88-1089 (1)

DEC 8 1988
JOSEPH F. SPANIOL, JR.
CLERK

No.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1988

LOUELLA F. BENSON,

Petitioner,

v.

E.J. FAUL
NEILIE C. FAUL
A. MELODY FAUL
GRACE IZENA, KIDDER
MELVIN KIDDER
LOIS F. BEARB, individually
LOIS F. BEARB, as executrix
of the estate of FOREST BEARB
MALCOLM BEARB
LESLIE FAUL
WILLIAM C. GIBSON

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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PRESS OF BYRON S. ADAMS, WASHINGTON, D.C. (202) 347-8203

QUESTIONS PRESENTED

1. In view of the proof of untruths under-oath re damaging mental information given to Dr. Ally in 1985 by Mr.Brandt and defendants, and which Dr. Ally relied upon for the long-distance hypothesis, and which respondents and counsel also circulated to Courts, did not the Fifth Circuit err in denying Petitioner's application for Writ of Mandamus (A-198) to Compel the District Court to Rule on Defendant Gibson's July 1988 Motion for Summary Judgment supported by 1988 affidavit showing untruths in 1985 affidavit?

2. Can administrative procedures such as F.R.C.P. 54b be used to deny rights of appeal when there is evidence before the Court of fraud (untruths) by the opposition which goes to the core of the case in negating their "basis" for their malicious long-distance label to discredit this pro se plaintiff and deny her due process.

3. In view of the evidence of untruths underoath given to Dr. Ally and which he relied upon for long-distance label without knowing petitioner, did not the Courts err in granting the respondent E.J. Faul's motion for Petitioner's mental evaluation before the respondents answer any of the interrogatories, including interrogatories propounded to respondents several days prior to E.J. Faul's motion for her mental evaluation?

4. As to No. 3 above in view of Respondent E.J.Faul's 1981 threats that he knew a doctor in Lafayette who would help him railroad petitioner during his estate "plans" if she came to Lafayette, treatments, "Overtreatments" published by respondents; E.J.Faul's history of addiction, etc., respondents' concerted plans preventing bid; prior plans to take control,etc., was it not error to deny answers to interrogatories before mental evaluation, especially as to Dr.Cloyd and any prior involvment,E.J.Faul's record--in view of proof of untruths given to Dr. Ally, and threats .

5. In view of proof of untruths given to Dr. Ally in 1985, and which he relied upon and misrepresented as coming from Deputy Gibson, their only objective affiant without personal interest, and after petitioner met all the requirements of F.R.C.P. in 1988, was it not error for the Courts not to Compel the Respondents to Answer Interrogatories as opposed to Mr.Brandt's statement that it would be a waste of his time unless prose petitioner (with objective scientific facts to prove she does not have the mental problems) was evaluated first, when Mr.Brandt infact gave to Dr.Ally the untrue discrediting mental stuff in the 1985 affidavit, misrepresented same as coming from Mr. Gibson. (See A-127 on.)

6. Did not the Courts show undue discrimination in the hearing on June 17, 1988 to Compel Answers from the Defendants of 1986 and 1988 Interrogatories, all resubmitted, and for Ruling on her Motion to Evaluate E.J. Faul, in 1) showing a lack of understanding

because she was unable to attend due to her husband's surgery complications, 2) Clerk had notified Judge, and 3) not addressing her discovery motions other than the 1988 interrogatories to Lois F.Bearb, (denied A-124-6), 4) apologizing to Mr.Brandt for having to travel a short distance in La. "for that" as shown in transcript but no consideration for pro se who lives in Va.and good cause shown--defendants' motions granted without oral hearing 5) Court suggested sanctions after all discovery for yrs. of abuses and secret processes denied, and Court ordering her not to communicate with the Court when she attempted to respond to Mr.Brandt's writing to Court re petitioner but allowing Mr.Brandt to continue communicating with Court.

7. In view of the proof of untruths in the 1985 affidavit, misrepresented as Mr.Gibson's affidavit to Dr. Ally, and which he relied upon, and the fact that the other "affidavits"

by defendants have never been subjected to cross-examination and would not be admissable in Court as shown herein, untruths and hearsay untruths denied to her years ago, with proof of untruths available, was it not error for the Fifth Cir. to deny application for Writ of Mandamus and to Dismiss this case, fraudulent scheme ignored.

8. Was it not error for the Fifth Cir. to deny her efforts to reinstate as to Faul Energy after she proved to the Court that misrepresentations had been made to the Court in 1986 for summary judgment in that E.J.Faul only had a few share of stock in Faul Energy but he admitted in 1987 under-oath that he owned Faul Energy as late as 1984, and he had refused to answer all interrogatories, including re Faul Energy and Faul Estate.

9. Was it not error for the Courts to deny her motion to reinstate as to Dr. Ally since Dr. Ally relied upon the untruths misrepresented

as Deputy Gibson's "affidavit" for his long-distance label without knowing petitioner, Dr. Ally misrepresented the statements as sworn on 3/6/85, including Dr.Ally's but for the very most part they were all unsworn until two weeks later, and Dr. Ally refused to answer any interrogatories at all but played Judge and Jury and blamed petitioner for the actions of the respondents without having anything at all from her, all of which were given to the Courts prior to rulings, not to mention his having ignored required procedures, personal, privacy rights, not knowing her.

10. Should not long-distance labels such as Dr. Ally's be banned by Courts and should not Court demand objective scientific facts in support of such opinions in view of the horrors in this petitioner's life due to the ignoring of such requirements when she infact, after volunteering for testings and evaluations has such objectives scientific facts to shown she does not have the mental problems and does not need treatments by the proper

professionals who fully evaluated and tested her. A-148-151; A-211-217; A-234-238.

11. In view of the material issues still involved, the conspiring to take unfair advantage of her in business deal (fraudulent scheme pleaded) which the Courts ignored was it not error to dismiss the case, and especially in view of criminal and civil violations of unwarranted treatments and secret processes, petitioner's requests for enjoinment of respondents, expungement to prohibit future abuses after 15 yrs. of horror caused by trumping-up secret untruths for unwarranted interventions and on-going denial of discovery.

12. In view of misrepresentations underoath circulated and relied upon by Dr.Ally and given to the Courts, was it not error for the Courts to deny to petitioner copies of all information made available to the Courts with an opportunity to respond prior to rulings, including of Defendants E.J.Faul et al's recent "proposed order" denied to her?

13. Since Deputy Bearb had definitely placed his health in controversy and he was not evaluated by the Western District as explained herein, and his estate is a defendant in subject case, was it not error for the Court not to be compelled to rule as to dismissal for est. of Deputy Bearb, and is not this pro se woman being treated with undue discrimination in Western Dist. in view of documentations in record?

14. Since the Dist. Court had not ruled as to Defendant Gibson in 1986 and Fifth Cir. did not dismiss appeal but wrote order of Aug. 1987 was it not error to use Rule 54b in 1988 but not in 1986?

15. Since the Fifth Cir.'s ruling is being circulated by the State of La. as explained, and E.J.Faul and his counsel are using long-distance label to take her property after denying all discovery, did not the Court err in dismissing this case and denying all discovery?

16. Can a married woman who has lived out of La. for over 30 yrs. with objective scientific evidence of being very sane be subjected to "treatments", harrassments for years by La. relatives with addiction histories, ignoring martial, privacy rights, etc., in name of "public policy" while concealing their history, plans, fraud?

17. In view of proof of untruths, fraud, given to Dr.Ally (additional proof available), which he relied upon, and ciruclated to Courts blaming petitioner for their actions while they denied discovery, and filed secret misrepresentations to cover-up their actions which affected all cases with "victories" prior to petitioner being copied etc. misleading the Courts with misuse of psychiatry, did this prose woman have any chance of "equal justice under law", opposing counsel admitting in 1988 she was not copied.A-202.

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PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

TO: The Honorable Chief Justice of the United States and the Honorable Associate Justices of the Supreme Court of the United States.

The petitioner respectfully prays that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Fifth Circuit, including entries of Aug. 10, 1988, and ruling of Oct. 28, 1988, denying Petition for Writ of Mandamus, and subsequent ruling entered Nov.2, 1988, re subject case and issues on remand concerning the matters in the U.S. District Court for the Western District of Louisiana,

Lafayette-Opelousas Monroe, Section L, No. CV86-0489. Petitioner also request review of entries by the Fifth Circuit of Aug.27, 1987, and of Sept. 23, 1987, in view of new developments.

OPINIONS BELOW

The opinions and rulings of the Court of Appeals for the Fifth Circuit reprinted at A-3 to A-18, A-26, which review the District Court's rulings reprinted in the Appendix at A-13, A-18 to A-42. Please review A-43-9.

JURISDICTION

The rulings of the Court of Appeals for the Fifth Circuit were entered on Aug.10, 1988,through Nov. 2nd. This Petition for Writ of Certiorari is being filed timely in view of the High Court granting leave to file On Dec. 8, 1988. A-a. This Court's jurisdiction is invoked pursuant to 28 U.S. C. § 1254(1),etc.

CONSTITUTIONAL PROVISIONS, STATUTES AND REGULATIONS INVOLVED

Fourteenth Amendment to the U.S.Constitution (Section I)

Thirteenth Amendment to the U.S.Constitution, Section I

The Eighth Amendment to the U.S.Constitution

The Sixth Amendment to the U.S.Constitution

The Fifth Amendment to the U.S. Constitution

The Fourth Amendment to the U.S.Constitution

The Virginia State Constitution

The Louisiana State Constitution and Code, including but not limited to 2313; also Article 967 of the La. Code of C.Procedure.

Privacy Act

Civil Rights Restoration Act

Rehabilitation Act of 1973 (Section 504)

Federal Rules of Appellate Procedure

Federal Rules of Civil Procedure

Statement of Case (Factual)

The Amended Complaint in subject case is reprinted at A-56 to A-99. The case derived from the petitioner's insisting on bidding on the improvements of the estate of her deceased parents in 1981, the respondents having sued petitioner in 1983, E.J.Faul et al vs. Louella F. Benson 89-191-B, and Louella F. Benson vs. Deputy Forest Bearb 84-2540, and Lois F.Bearb and Leslie Faul 84-2541 both in 1984. The 1983 suit 89-191-B against petitioner was to have the property sold but when they learned that petitioner would bid on entire estate, and that their plans to take complete control and only let back in those they wanted as shown in Faul plan letter A-117-119, they gave petitioner agreements to trick her into taking economic losses, etc. as opposed to the undivided interest she had purchased from another heir for considerably more. After she accepted their agreements in good faith, Respondents Lois F.Bearb and Leslie Faul

ignored their agreements as to full use of the road to her residence and Bearbs proceeded to destroy the Faul Limestone Rd. and "covered-up" the private and public drainages, and Leslie Faul keeping his ditches obstructed, all to petitioner's detriment, after they had asked for and cashed her checks as shown at 73a,74a of appendix to Petition filed in 88-416. In early 1984, petitioner attempted to have surveys made of her property after .60 of an acre in Faul estate was unaccounted for which is the same amount of land as in Bearbs' new "mud passage" and Respondent Deputy Forest Bearb (Lois F.Bearb's husband),trespassed on petitioner's property outside his jurisdiction and accused her falsely of having committed forgery and assured her that "they were working on it and she would be nailed". After she was not able to obtain apologies from Deputy Bearb and complaints to Sheriff of Acadia Parish were ignored, she filed

84-2540 against Deputy Bearb and 84-2541 against Lois F.Bearb and Leslie Faul,executor, breach of contract, drainage and fiduciary violations. Instead of addressing the provable matters pleaded, the defendants in two above cases and thier attorney Charles Brandt, filed frivolous motions for her mental evaluation,supported by Mr.Brandt's(who had never met her) affidavits. After they were denied Mr.Brandt contacted Glenn A.Ally, a psychologist in Lafayette who does not know petitioner but who wrote long-distance report hypothesis of March 6, 1985 on the day after court ordered private and confidential phone settlement conference between petitioner and Mr.Brandt, and in which Dr. Ally described her speech and wrote also that the hypothesis was based on sworn statements (but were unsworn as shown in pleadings) and on 4/24/85 in CV84-2540, Mr.Brandt published that he "discarded" Deputy Bearb's affidavit "since it did not contain specific allegations of fact" and "discarded" Leslie

Faul's affidavit because "it did not meet his standards". Their renewed motion for mental evaluation-with affidavits they solicted from respondents and Ally's report-was denied as shown at A-120 with fines and warnings for such unchecked harrassment.

In early March 1986 petitioner filed subject cases and pleaded a fraudulent scheme to take unfair advantage of her in business deal and to discredit her to deny her due process, conspiring and with phony trumped-up affidavits with untruths and hearsay untruths as pleaded. Facts show that after respondents were served with original complaints in subject case, Respondents Bearb and Faul and Mr. Brandt proceeded to file many pages of "fact and law" in both CV84-2540 and 2541 without copying her, and which contained very serious misrepresentations,(attachments still denied). Respondents did not copy her with secret misrepresentations filed because they knew it would greatly help her to prove her complaint in subject case for fraudulent scheme etc.

Secret misrepresentations filed A-204-07 shows they were trying to get the property back in March of 1986 after recorded deeds, losses she took,and after she spent $30,000 on improvements. Not only was she mislead to believe she would have full use of the road which she paid for and took losses but respondents since 1981 had secret plans to destroy it and they again blamed the victim (petitioner)/as they did for the false secret forgery. It is very important to state that facts show that Repondents obtained S.J. in 84-2540 her motion for injunction in 84-2541 was denied, and they obtained summary judgment, dismissals in subject cases before petitioner even knew of the misrepresentations filed and which affected all cases, and they denied all discovery in subject cases. Instead of answering interrogatories first sent to them in April 1986 and thereafter, they are using past abuses and the misuse of psychiatry to cover-up their fraudulent scheme to take unfair advantage of her in business deal etc.,

and to deny her due process and to take her property which Respondent E.J.Faul and his counsel attached in 1987 for $100,000;that is realizing their "plans and threats" since 1981 (A-117-119).

Statement of Fact

In 1987, petitioner filed 87-884 in subject case re the issues which were not on remind by the Fifth Circuit to Dist.Court. A-43-49. This Writ is to address developments on issues on remand and new profound discoveries which supports petitioner's evidence and goes to the core of all issues and to try to avoid future abuses of psychiatry. Subject cases docket sheet shows at entry 37, on 4/30/86" "Motion (Faul) for plaintiff's psychiatric exam, ref to DEW on 5/2/86 (cd)" instead of Respondents E.J.Faul, Glenn A. Ally PhD, Bearb and Kidder answering interrogatories petitioner sent to their counsel on 4/19/86 (first sets shown at A-183-197. In Aug.1987,Fifth Circuit said Benson had made no effort to coordinate

discovery with defendants. Facts in record show that on 5/6/86, Aug.14,26,29,1986 she had sent certified letters to Mr.Brandt in efforts to obtain answers,but had not called him personally because as shown at A-171-180 when she did speak with Mr.Brandt via phone on 3/5/85, he misrepresented and distorted what this pro se petitioner said and reported distortions to the trial Judge in CV84-2540 and CV84-2541 (88-416) in efforts to make her fit the long-distance hypothesis made by their Lafayette closet psychologist, Ally on 3/6/85, the day after the phone conference. Petitioner was afraid of talking to Mr. Brandt alone for what he might say,and she is aware of her rights to privacy, wiretap laws, and right to know of and to refuse a mental health professional being in the act.

Notwithstanding her fear of more abuses, distortions by Mr.Brandt in efforts to make her look crazy, facts in the record show that on April 4, 1988 between 11:00 and 12:00 noon

petitioner called Mr.Brandt for a conference on any points where they had problems with any interrogatories, including second and third sets in efforts to comply fully with F.R.C.P. It was clear that there were no questions or problems with the interrogatories because Mr.Brandt did not state any when asked twice but that the respondents were using delay tactics to not answer the interrogatories first sent to them on 4/19/86, and instead of answering interrogatories, repondents on 4/30/86 filed a motion for a mental evaluation of her in subject cases (with interrogatories to her which she answered), and their objective was the further misuse and abuse of pscyhiatry to cover-up their actions and years of abuses-and their fraudulent scheme to take unfair advantage of her in business deal, conspiring and deny her due process.

Facts show that on 4/8/88 she filed a motion to compel answers of all interrogatories to respondents after resubmitting

copies to opposing counsel and the Court. Mr.Brandt's response in writing in the record shows that he wrote it would be "a waste of his time" to answer the interrogatories unless petitioner went to the Lafayette psychiatrist Respondent E.J.Faul had selected.

Petitioner's position is that the F.R.C.P. requires that the respondents personally answer the interrogatories, not Mr.Brandt, and petitioner even offered to type up the defendants' answers. There are other important reasons why petitioner sought answers to the interrogatories, at least some of the answers before submitting to mental evaluation by E.J.Faul's psychiatrist in Lafayette. As shown at A-185, Interrogatory No.9 petitioner asked E.J.Faul on 4/19/86:

> "...state the name of the doctor who you said you knew in 1981 over the phone, who you threathened would help you in putting me in an institution if I returned to Lafayette?"

Petitioner knew E.J.Faul et al were misleading the Courts, misusing psychiatry to cover-up,

and obtain her property as per their plans and threats in 1981 A-117-119. Petitioner was also aware of her brother's history of addiction and gambling and in view of his threats asked the questions found at Intg. Nos. 2, 3,4 found at A-183-184, as to his history of addiction, treatments,threats he made, his mental state, and for him to name the doctor etc. who had authorized treatments administered to this plaintiff which E.J.Faul indicated she had received. Respondents for S.J. cited "overtreatments" public policy considerations. Did not pettitioner have a right to know if Dr. Cloyd was the closet doctor authorizing such crimes before going for visit arranged by E.J.Faul???

Prior to and in 1985, Mr.Brandt and Faul Energy were at the same address at 111 Mercury St.and same party answered their phone after releated suits were filed in 1984,at which time they hired Dr.Ally. In his"report" of 3/6/85, Dr. Ally without knowing

petitioner who lives in Va. and without having anything from her projected blame on petitioner for the actions of the defendants as further shown on page 27-8, and wrote that such conclusions were based on sworn statements of respondents which were unsworn as pleaded-including that of Respondent Gibson, all of which were given to the trial Judge prior to rulings, along with the secret misrepresentations of "fact and law" and which accounts for the unconscionable abuses documented in 88-416. While petitioner was not copied with secret misrepresentations in related cases which subject cases derived from-found in part at A-204-08, respondents refused to answer the interrogatories in subject cases found at A-183-197, because they knew their misrepresentations would have proved the fraudulent scheme pleaded in subject cases-so they failed to copy her until after "victories" in subject cases also. Therefore, instead of answering interrogatories sent to them on 4/19/86,

and again in 1988, after she complied with all the rules of F.R.C.P, the defendants and their counsel insisted on bringing E.J. Faul's Lafayette Psych.,Dr.Cloyd, in efforts not to have to answer the crucial interrogatories just as they and Mr.Brandt used psychiatry through Dr.Ally to cover-up their actions, undermine petitioner and prejudice and mislead the Courts while they were really trying to obtain her property .

Since all required clinical procedures had been ignored when they paid Dr.Ally,and in view of the above and knowing their motives and that the affidavits were phony, petitioner elected to take the lesser of two evils and did not go for a mental evaluation- and on Aug.14, 1986, she wrote to Mr.Brandt telling him to "keep their paid doctors out of her life", and she had infact informed Mr.Brandt in Jan. of 1985, prior to their second frivolous motion for her mental evaluation in related cases (in which Courts ruled they were harrassing) that after

having volunteered for complete evaluations and objective scientific testings following heart injury, the mental health professionals who fully evaluated her, said she does not have the mental problems and does not need treatments which was in 1981. She further explained that she had not lived in La. or been around the defendants creating problems in many,many years, and that they were trying to railroad her after she had money and insisted on bidding on improvements of deceased parents. Bidding only allowed in 1983,after they sued her, then as shown in their secret misrepresentations filed March 1986, A-204-07, they were trying to get the property back after they insisted that her Jewish husband sign off his community rights (although she could not have purchased this property without his prior gifts to her), and which property Respondent E.J.Faul attached.

As shown at A-19-22 the District Court was to rule on petitioner's 1988 motions to compel answers to interrogatories, her Renewed Motion to Evaluate E.J.Faul on June 17, 1988. Unlike was the case when opposition filed a motion to evaluate plaintiff, or any other motion because the Court had not held any oral hearing, the June 17,1988, to compel discovery was to be an oral hearing and which petitioner had planned and made arrangements to attend from Va. to Monroe, La. as shown by her affidavit at A-33-37. (Mr.Brandt had again filed his perpetual motion to dismiss after he and his clients had again denied all discovery.)

As shown at A-23-25, the week of the June 17, 1988, hearing petitioner's husband had to have crucial surgery, and it turned out he had trouble walking for a while; petitioner was not able to go to Monroe as planned,and she was not allowed to communicate with the Court as shown at A-53 but she did make arrangements through the Clerk of Court to

have them inform the Judge in the event she could not attend, which the Clerk indeed did as shown on the docket sheet, pg. at A-230. As shown at A-27, the Judge dismissed subject case on June 17, 1988, and petitioner's motions to compel answers to all the 1986 interrogatories, including second and third sets were not even mentioned, nor was her motion to evaluate Defendant E.J.Faul which was to be heard that date. The Court simply referred to the 1988 interrogatories sent to Defendant Lois F.Bearb to learn of any interventions by her in this married-pro se-woman's life; if she had anything to do with the technical cops breaking into the Benson home in Va., and if she interfered in legal suit against the state of La, A-124-126, not any of which she answered. Respondent Lois Bearb has a grade school education and refused to answer any interrogatories,including those shown at A-187-90, and she and Respondent Leslie Faul were trying to obtain petitioner's property, in March 1986 A-204-207, and she too told

untruths and hearsay untruths underoath.

As shown on transcript at A-29-32 of hearing of June 17,1988, the Court was very angry because petitioner could not attend,showed undue discrimination and completely ignored good cause shown. The Court showed no understanding for her husband's cancer surgery and that she could not leave him at the time to travel from Va. to La.; he apologized to Mr.Brandt for having to travel from Lafayette to Monroe,La, "for that" in referring to petitioner and suggested sanctions against her after not mentioning her discovery motions which was the purpose of the hearing, all of which is classic as to how this petitioner is treated since the respondents prejudiced the Court by misrepresenting that she is a paranoid-schizophrenia,inspite of the fact that she has objective scientific facts to show she does not have the mental problems and does not need treatments.

The respondents and their counsel filed a motion for sanctions and attorney's fees

for many thousands of dollars which was forwarded to Magistrate Methvin and after petitioner responded with facts to show how Mr. Brandt and his clients had denied discovery, misrepresentations filed without copying her, that Mr.Brandt had filed frivolous motions and had advised his client against discovery, and that they had ignored a court order, the Magistrate denied most request for sanctions and all attorney's fees by all the family respondents, including Faul Energy, and infact pointed out in her order that petitioner had said "This suit expressly mentions conspiring, fraudulent scheme also as shown in pleadings". The Magistrate referred to Thomas v. Capital Sec.Services,Inc.836 F2d 866, 873 (5th Cir.1988) en banc in denying their demands, and which is further quoted At A-231-233. Petitioner paid the $400.00 to Mr.Brandt out of respect for the Courts, who he and respondents have mislead as shown in record, and she expressly did not concur with the actions of respondents and their

counsel. There are crucial legal points which petitioner's evidence proves that are not being addressed. For example the fraudulent scheme,conspiring; they mislead her to believe she would havefull use of the Faul road upon which she relied and took losses, unknowingly to petitioner and at least two other heirs, Respondents Bearb and Fauls had plans to move the road since 1981 as Lois F.Bearb said underoath on 8/4/87-see A-208-9 while they mislead her for years and tricked her into taking losses,then detroyed the road and their witness Vincent Citizen testified he "covered-up the drainages";they altered drainages and redesigned them to drain on petitioner. See A-208 where Lois F.Bearb testifed "My husband told me that he had made Mr.Citizen <u>make</u> the ditches". <u>Making</u> ditches is altering drainages. The evidence is all there in 88-416,plus the fact that they were <u>secretly and falsely</u> making petitioner the victim by saying moving the road was her idea by distorting a plat and

leaving out the cover-letter, to make it look as if it was her idea, just as with the false secret forgery they kept from her for all these years! Instead of copying her with these secret misrepresentations as required by F.R.C.P. and A.R.C.P.they refused to answer interrogatories and moved for mental evaluation in subject cases. Petitioner was left with no road at all inspite of their agreements, Respondents Faul and Bearbs statements underoath that she had use of the new road,their depositions,recorded deeds, cancelled checks, etc. all in 88-416.

Another point the Courts are overlooking is that on March 25, 1985 in 88-416 (and in CV84-2540) the respondents and Mr.Brandt told the Courts that Dr.Ally's hypothesis was the real thing:

> "defendants will assert as a defense to this claim, that the petitioner is suffering from a mental condition known as schizophrenia,paranoid type. It will be the contention of defendants that the allegations which have been made by plaintiff are a direct and a consequential result of the mental condition ot the plaintiff and not the result of any activities by defendants. In support of these

contentions, mover submits original affidavits from the following individuals:

Lois F.Bearb, Malcolm Bearb;
Ewell J.Faul,Nellie C.Faul,Melody Faul;
Izena Kidder, Melvin Kidder;
William C. Gibson - Deputy Sheriff and
Dr. Glenn A. Ally - Clinical Psychologist."

It must be observed that the statement by Nellie C.Faul,first ex-wife of E.J.Faul was never sworn to but misrepresented as an affidavit. Nellie witnessed the "plan letter" in 1981 at A-117 and stood to gain from E.J. Faul's actions,and their daughter Melody still stands to gain from her Father taking petitioner's property. Defendant Melody Faul's affidavit was the only one sworn to prior to Dr. Ally's report. See rebuttal of same at A-148-50 by petitioner's husband's affidavit; petitioner's rebuttal affidavit at A-152-159, and letter at A-160 of Feb.'77 from Benson to Nell re Melody Faul's visit.

Respondent Izena Kidder engineered the false forgery in the early 70's to have petitioner treated after she had a child out of wedlock,and kept the false forgery secret from only petitioner in the family.

Kidder had long history of addiction. Both Kidder and her husband Melvin denied petitioner's lawyers affidavits years ago but conspired with other defendants to use and produce trumped up affidavit in 1985. See A-168-170.(Petitioner had personally contacted police before returning to D.C. in 1972, and another lawyer had contacted authorities from D.C. in Aug.1972. A neice,the only person who saw Izena Kidder's actions in 1972, offered to testify in petitioner's behalf and tell the truth in 1986, but Kidder went to try to frighten her out of it, just as Deputy Bearb contacted petitioner's eye witnesses re his actions.

Although Dr. Ally's long-distance hypothesis was not sworn to in 1985 it was misrepresented to the Judge by Mr.Brandt as an affidavit. As shown at A-54-55 Ally in 1985, had misrepresented the statements as sworn statements on 3/6/85, but they were unsworn as pleaded until 3/20/85. After refusing to answer interrogatories at A-194-97, in 1986

Dr. Ally "fixed it" for Summary Judgment by removing the word sworn.

Their "affidavits" are loaded with untruths and hearsay untruths that have never been subjected to cross, and they all refused to answer any interrogatories. Some of the "affidavits" do not show were they were sworn to,etc. What transpired is that Mr.Brandt admitted to destroying the affidavits of the two principal defendants Deputy Bearb (who sat on the false secret forgery for all these years) as shown at A-166 because his affidavit was "not factual" and destroyed Leslie Faul's because "it did not meet his standards". See Leslie Faul's threats in 1981 at A-119. Then Defendant Malcolm Bearb's phony affidavit was used to cover-up his parent's action. Malcolm Bearb was protecting himself also because his Mother testified in 1986 that Malcolm had helped in moving and destroying road; covering up drainages. Malcolm lives in front of petitioner's farm and was trying to buy her interest before her Father died.A-162-65.

Mr.Brandt knows the hearsay untruths of the other players such as the Kidder matters of years ago which they did not even see are not admissible so they used two of their sibling who also refused to any questions.

A new development-and of most importance is the 1988 affidavit of former Deputy Sheriff William C.Gibson in support of summary judgment which was filed in July of 1988 after the June 17, 1988 hearing. Defendant Gibson was their only objective affiant without personal interest in petitioner's legal matters. Note in July 1988 affidavit found at A-127-29,Mr. Gibson swore:

> "I have at no time ever made any statement, sworn or otherwise, regarding the mental condition of Louella F.Benson. I have not submitted any reports, affidavits or any other type of information to Glenn A. Ally, PhD."

Note at A-130-33 the March 20, 1985 affidavit which Mr. Brandt represented to Dr.Ally, the Courts and petitioner as Deputy Gibson's affidavit, and upon which Dr. Ally relied for his long-distance label, he refers to

petitioner as being mentally unbalanced and other damaging and misleading untruths. See petitioner's rebuttal of both affidavits at A-134-43 and A-144-147. Neither Deputy Gibson nor Dr. Ally have ever seen petitioner; Dr.Ally had never talked to petitioner and he had no right to be in on the private and confidential phone settlement conference in related cases in anyway, and he refused to answer if such information was made available to him but he described petitioner's speech in his long-distance hypothesis of 3/6/85 and published re petitioner: "projection of blame - blaming others for his/her own faults, behaviors,or circumstances." This was made available to all courts; technically Dr.Ally was the "trial judge" before-the-fact while the respondents filed misrepresentations of "fact and law" without copying petitioner until after their "victories"including in subject cases which derived from the estate cases,plus the secret misrepresentations would have proved fraudulent scheme pleaded

in subject cases. Respondents did indeed gain "unfair advantages". As shown at A-54-55 in his report of 3/6/85, in CV84-2540 and in 88-416, Dr.Ally wrote to Mr.Brandt:

> "I have reviewed materials which you provided me in re Louella F.Benson... includes sworn statements by Mrs.Melvin Kidder, Mr.Melvin Kidder,Lois F.Bearb, Aimee Melody Faul, Nell C.Faul, William C.Gibson - Deputy,Acadia Ph.Sheriff's Office...if one accepts the accuracy of the statements...Mrs.Benson suffers from S.P." underscore added.

As to the 1970 copy of a letter postmarked Opelousas, La.which was attached to Kidder's affidavit denied to petitioner's lawyer many years ago, petitioner denied this in her rebuttal affidavit of 4/12/85 in the record, and why did this surface in 1985 as opposed to when she tried to pursue her rights years earlier. Why wasn't petitioner's affidavits of Jan.1985 and pleadings given to Dr.Ally? Petitioner left La. prior to 1960.

Petitioner informs this Court, that the defendants refused to answer her interrogatories because they knew their "affidavits" were trumped-up just like the 1985 "affidavit" with untruths circulated to the Courts and

to Dr. Ally as Defendant Deputy Gibson's affidavit and the long-distance label was based on fraud to gain an unfair advantage, cover-up and deny due process, and that hardly justifies Mr. Brandt and the defendants to insist upon a mental evaluation(by E.J.Faul's hand-picked psych in Lafayette) of this petitioner instead of their answering the interrorgatories, or before they answer, as Mr. Brandt finally admitted in 1988 in writing to the Court, "that it would be a waste of his time" unless petitioner went to the Lafayette psych, thus indicating that the 1985 "affidavits" including Deputy Gibson's were prepared by him or in his office, and which he circulated.

Respondents did not answer; the idea was to cover-up with the abuse of psychiatry and then they would never have to answer. They wanted the Lafayette evaluation because they knew since 1981 that petitioner had objective scientific facts to show she does not have the mental problems,see affidavit

at A-211-216, and because of their 1981 concerted plans, No Bids, will fight you in the Courts and otherwise to keep you from getting it. A-117-119. underscore added. They also wanted the La.psych in the act because defendant E.J. Faul indicated that petitioner had been treated in the mental area, and those were criminal and civil violations and fraud with public funds since the marriage of the police, psychiatry and technology in the early 70's. Izena Kidder with addiction problems wanted to have petitioner treated after she had a child out of wedlock,inspite of the fact that petitioner was totally independent, lived in Texas at the time and had funds in the credit union where she worked until she was able to return to work,and she did not even discuss this with her family but Kidders made two trips to Texas and Bearbs one to harrass her. Deputy Bearb's financial papers burned in fire when they were subpoenaed but no firemen were called, his affidavit is destroyed and his wife

Lois F.Bearb swears to untruths and hear-say untruths of years ago which she did not even see, and both conceal their history. Petitioner's daughter is an R.N.married to a professional man and has a good life.Why was Bearb's son in a half way house;why didn't they treat their own,or themselves, or answer interrogatories.

At A-217-229 petitioner's affidavit to evaluate Defendant E.J.Faul, and in view of his efforts to railroad her and having attached her property, his prior 1981 plans, and his history of addiction problems,did not petitioner have the right to have him evaluated and to obtain answers from him. Respondent E.J.Faul too swore to untruths and untruths which he did not even see . See interrogatories he refused to answer at A-183-187,plus two more sets not retyped. What about his record? Petitioner did not attend college in La.because E.J.Faul was communting and had to stop for a beer with the boys; but she had to spend her week

ends cleaning and ironing his clothes; he wrecked her car while drinking many years ago and did nothing to repair it. (Does the laughing La.trooper in form of a psychiatric nurse follow him around looking for drugs and weapons as when petitioner hand-carried the complaint letter to the Acadia Parish Sheriff re Deputy Bearb and the false forgery and as Defendant Lois F.Bearb published that petitioner was arrested and taken to jail the same day without mentioning that the unconscionable charges had been dropped when petitioner appeared for trial???) In 1975 during one of his uproars, when petitioner was caring for her Father at Christmas, E.J. Faul made the statement that what she said did not matter anymore, which petitioner had ignored, but in view of their unconscionable actions and the police affiliated doctors in Cardiac care after the heart injury, and the subsequent unconscionable interventions, she had the right to obtain answers as opposed to being subjected to the moods

of those with addiction problems for another 15 years, and to those who would take her property. See petitioner's husband's affidavit at A-148-150.

After the defendants have gotten by with secret processes for years, in 87-1970, in 1987, where they attached her property, E.J. Faul and his counsel paid over $400.00 in filing fees but pettioner only got the pleading and attachment, and a five page memo of law in which subject cases and long-distance label is being used to obtain her property, and she has not been able to verify what was filed. Instead of explaining why their computer runs show the trooper nurse had her under surveilliance for considerably longer than a min. and a half as he said underoath, the State of La. is circulating the Fifth Circuit's ruling in subject case as shown at A-210 and the ruling of the Fifth Cir. A-43-49 was given to the trial Judge prior to trial in that case--the tapes of the trial were destroyed

although they knew she was appealing. Troopers admitted petitioner has an excellent driving record and that she had no drugs, alcohol, or weapons, but they searched, seized everything and read her legal estate mail, jailed her etc., they refused to give her citation for hours; they knew who she was from her rented car but charged her with refusing to identfy herself. She gave them her valid license and address. At some point Dep.Bearb had expressed curiosity of what she had in her brief case when she went on her farm. Appellant has never taken drugs,owns no weapons and drinks very little infrequently.

After the Judge did not rule on former Deputy Gibson's motion for summary judgment in 1988, with the evidence of the 1985 untruths in the record, petitioner filed a motion requesting a ruling and the proposed order was returned unsigned, as shown at A-13. Lawyers informed her that that could be taken as a denial because the Judge's initials and date are on it. The Fifth Circuit entered the

ruling at A-4-5 dismissing petitioner's appeal notices as to the other defendants and cited FRCP 54b as to multipe defendants. After petitioner did not obtain a ruling and after consulting with a lawyer, she filed an application for a Writ of Mandumas requesting thatthe Court be Compelled as shown at A-198-200. Then petitioner got a Notice saying that the ruling date had been moved to Dec.9, 1988, but she had never obtained a prior Notice of Setting of Motion. Then the Fifth Circuit denied her application for Writ of Mandamus as shown at A-3, which is one of the rulings being appealed in this Writ because there is evidence of fraud in misrepresentations given to Dr. Ally which goes to the core of this case, and supports petitioner's position all along, not to mention increasing abuses, in the taking of her property after she spent $30,000 on improvements, very difficult trips to La. and much hard work--slavery! */

*/In Sudan girls are starved; boys get resources.In American it's by abuse of psychiatry for yrs.

Too, the defendants have appealled the Magistrate's order denying their demands for sanctions and legal fees to the District Judge who has evidence of fraud and has not yet ruled, and who has shown undue discrimination towards petitioner after being mislead by the defendants. Since the Fifth Cir.'s denial of Writ of Mandamus and setting of Dec. 9, 1988, she has received a certified copy of the Fifth Cir.'s ruling from the District Court but she is hoping for a ruling on Defendant Gibson's motion on Dec. 9, and a ruling as to the estate of Deputy Bearb who is also a defendant;

Dep. Bearb had definitely placed his health in controversy in the Western District in phony counterclaim and he was protected and never evaluated inspite of petitioner's motion and affidavit pending for eight months. Too, Mr. Brandt filed the counterclaim and then wrote his client not to release records, and records were denied even after the Court order.

Thus, petitioner is in a position where administrative procedures are being used to cover-up fraud given to Dr. Ally, and to prevent ruling and deny rights of appeal but the defendants are trying to extort more money from her by appealling to the same Judge who has not ruled on Mr.Gibson's motion after evidence was furnished that Mr. Brandt had been circulating this damaging fradulent affidavit to the Courts and Dr. Ally and to petitioner and as shown at A-54, Dr. Ally wrote that Mr.Brandt made this information available to Dr. Ally.

As shown in separate motion filed, petitioner is asking that the ruling on this Writ be deferred until after she has a ruling on the matters before the District Judge, and until after she has had a chance to appeal.

In view of the evidence of Dr. Ally having relied upon fraudulent statements under oath (which were not sworn to on 3/6/85 when Ally wrote his report but that Ally misrepresented them as sworn as shown in pleading A-56, and

the fact that without knowing petitioner Dr. Ally "played judge" and blamed petitioner for defendants' actions, and facts now show the untruths and that petitioner was telling the truth, and since Ally refused to answer any interrogatories, including re the private and confidential Court ordered phone settlement conference, and if he had reviewed pleadings, etc., she is asking High Court to reinstate as to Dr. Ally and as to Faul Energy as she had requested from lower Courts.

As to Faul Energy, they clearly misrepresented to the Court for summary judgment that E.J.Faul was only a small stockholder of this Company when infact, after their"victory", E.J. Faul himself admitted that he owned Faul Energy as late as 1984 and this was underoath in 1987 in 88-416. He formed the company after petitioner's Father died apparently. Petitioner's property is contaminated with heavy contents of oil field wastes and has been used for new potent chemicals without her knowing or her consent and which she was exposed to and

made sick. Also, see interrogatories E.J. Faul refused to answer at A-185,including re Faul Energy which the Magistrate very much pointed out in her order A-231-233. Too,there were other interrogatories in second and third set to E.J.Faul re Faul Energy which he also refused to answer,e.g. his title. Of most importance also, is the fact that on June 2, 1986, when petitioner and her husband went on her farm, the very potent chemical "Spike" had been used on her property against her expressed wishes and without even a warning. After she confronted the Parish Commission member she had expressly told not to use any chemicals on her property or in a manner in which they could flow onto her property, she was informed that permission had been obtained from the other heir owners to do such things on petitioner's property, when petitioner owns most of the land in the back part.Defendants Izena Kidder, Leslie Faul and Ewell J.Faul refused to answer. In 1988, the Washington

Post published that the manufacturer Lilly is refusing to sell Spike to the U.S.Government to use in Peru. Environmental experts have expressed concerns. However, it was used on this pro se woman's (with a heart injury) property without even a warning.Too, she learned that they also used it on the old back road owned by the back neighbor. It does not go to petitioner's house but since they barred her from using the road she paid for, she and her husband have used the old unused side road which goes to the back and then walked several acres to her house. One of her requests in pleadings was to enjoin the defendants from her life and property--is that no good cause???? Too, the government does research on people with such labels without their knowledge or consent, and was told by a Washington professional, even long-distance hypothesis are used by the government. Petitioner was told by a reliable source that the government filed a brief in her legal matters but she has not been able

to obtain a copy! It must be pointed out too that the Judge signed the order for her mental evaluation in La. on June 2, 1986, the same day that she was exposed to this chemical and made quite sick on her property.

Petitioner was denied her motion to be copied with all matters denied to her, including reasons for her mental evaluation. In view of the evidence of fraud given to Dr. Ally, she is asking the High Court to make such documents available to her with an opportunity to respond prior to any further rulings.

She is also asking the Court if she does not have a right to have answers from the defendants to her interrogatories propounded to them first, especially re Dr.Cloyd, and re their prior abuses, before she is exposed to their La. psych, and to decide if she does not have right to mental evaluation of E.J. Faul in view of his history of addiction, his abuses of her rights, including privacy and martial rights, and the

taking of her property, after his 1981 "plans" and their insisting that her husband sign off his community rights in La. See also reasons in affidavit, A-217.

She is also asking the High Court to rule if she is not being treated differently from Deputy Bearb in the Courts requiring a mental evaluation on the pleading in this case as she was told, when she had pleaded she was not placing her health in controversy (and that the Courts have overlooked the fraudulent scheme pleaded to take unfair advantage of her in business deal) while Deputy Bearb had indeed placed his health in controversy and was protected by the system for eight months--motion never ruled on in Western District while Bearb's affidavit was destroyed!

Another distrubing fact is that Mr.Brandt has admitted in writing that the Supreme Ct. had been briefed by both parties in 1987 in subject case, and he failed to copy her inspite of her request--this is disturbing in

view of aforementioned proof of fraudulent misrepresentations and their misrepresentations filed without copying her in related cases. / In 88-416, she sent Mr.Brandt a check for $14.00 to be copied via overnight service with any response to the Court so that she could reply and he has not responded to anything. A-202-203

On 11/5/88 in the WP,two doctors from Mental Health Admin.on Alcohol and Drug abuse, Drs.Goodwin,Gordis,(supported by two other psychiatrists), published:

"Alcoholism Most Certainly Is a Disease"
"...evidence now is that these disorders involve brain mechanisms gone awry"

Whether addiction is a disease or a bad habit, it is destructive and mood altering and a pro se woman who submitted to objective scientific tests to rule out mental problems, has a right to have interrogatories answered by such respondents who have circulated untruths and hearsay untruths which they trumped-up and socilited;prior to going to E.J.Faul's psychiatrist in

Lafayette, especially in view of the unanswered interrogatories and the facts to prove that Dr. Ally was given false untruths re this petitioner to cover-up their actions in the past. In "Medicine on Trial, (see A-236-7), by Charles B. Inlander, Pres.of People's Medical Society, Dr.Lowell S. Levin, Yale Professor of Medicine,published that "one out of every six drug addicts is a physician".

See A-234-235 for the 1988 study by two psychologists who reviewed 1400 court cases published in the W/P on 7/4/88 by Jonathan Yardley entitled "Psychologists" Shower of Babble". They studied 1,400 cases in which the judgments of psychiatrists and psychologists were employed by the Courts, and concluded that: "clinicians are wrong at least twice as often as they are correct..."

REASONS FOR GRANTING OF THIS WRIT

"Researchers Fault Psychiatric Testimony, Say Courts should Consider Ban", quotes from

the same scientific report above-mentioned of David Faust, director of psychology at the Rhode Island Hospital in Providence, and Jay Ziskin, a lawyer, psychologist and authority on the issue of expert witnesses written by Philip J.Wilts in W/Post on 1/1/88. Mr. Wilts writes: "others who have studied the performance of expert witnesses agreed.... see A-234-235) and quotes Dr. Gary B.Melton a member of the executive committee on the Law and Psychiatry Society of the American Psychological Association:

> "only when they have a scientific basis for opinions, should the opinions of psychologist, psychiatrist be allowed".

As shown in petitioner's husband's affidavit at A-148-150, and her affidavit at A-211-216, the doctors who fully evaluated and gave her psychological tests when she volunteered for such evaluations in 1981, are the only ones with scientific basis for their finding--that is, that she does not have the mental problems and does not need treatments, and which she pro-offered to

the Court, and petitioner's position is that she had a right to have answers to her interrogatories first, particularily re Dr.Cloyd, as to if he was the doctor E.J.Faul said in 1981 would help him put her in an institution if she came to Lafayette--without knowing her, the same year as Defendant E.J.Faul et al's estate plans A-117-119,etc.; what was he told and has he written a long-distance label he would have to support such as Dr.Ally did without knowing petitioner! Petitioner was given a Hobson's choice to disobey a Court order (which was and is very troublesome) or to be exposed to Defendant E.J.Faul's psych. following his threats and refusal to answer questions after they gave Dr.Ally untruths underoath and paid him for a long-distance hypothesis which they misrepresented to Courts as the real thing; Petitioner opted for the descretion of the Courts. Who is the closet psych responsible for "overtreatments" when she did not need any?????? Who was involved in "bookcase"?

See the interrogatories Respondents E.J.Faul and other defendants refused to answer A-183 to 197, (also A-124-126), as to their own histories, addictions, etc.and prior unwarranted criminal interventions in petitioner's life. (See interrogatories E.J.Faul refused to answer re his history,etc. at A-183, and Izena Kidder re hers at A-191.). Since doctors found addiction is a disease (see page 43), should a married, pro se woman with objective scientific facts showing she does not have the mental problems be denied all discovery for yrs. of secret processes by those with such diseases (brain mechanisms gone awry" or bad habits, and infact dismissal of suit because they want her mentally evaluated by a La.psych. before they answer questions first sent to them. Where is the objective scientific facts to prove they do not have the problems, or diseases, including their two sibling they used after their attorney destroyed the affidavits of the principal defendants. Is the closet psych sane?

The High Court should grant this Writ because there is evidence of fraud in the undertaking in the damaging false information underoath which was misrepresented as former Deputy Gibson's "affidavit" and given to Dr. Ally, by opposing counsel Brandt, and upon which Dr. Ally relied for his long-distance hypothesis label without knowing petitioner and which hypothesis was misrepresented to the Courts as the real thing. Page 22,25-28, of this Writ. Also A-127-147.

Too, facts show that administrative processes have been used to not rule or delay ruling as to Defendant Gibson's motion for Summary Judgment after petitioner presented the above-mentioned evidence of untruths in the false mental damaging stuff given to Dr. Ally by their counsel Mr. Brandt for his clients in their efforts to railroad petitioner and obtain her property with the misuse of psychiatry. As shown at A-4-5,F.R.C.P. 54b is being cited as reason why she cannot appeal to the Fifth Circuit (multiple

defendants. However, as shown at A-13, the District Court has refused to rule on Defendant Gibson's motion for summary judgement of July '88 and on petitioner's request for ruling of same, and the Fifth Circuit has denied her application for a Writ of Mandumas to Compel rulings so that petitioner could pursue her appeal rights. Defendant former Office Gibson certainly has a right to expect that his name not be used for false statements underoath and that such false statements not be circulated to the Courts or anyone, and that such unconscionable false statements not be given to a psychologist without his consent. How can they "fix" that one?

Petitioner has a right to expose this fraud; damaging false information to show that she has been telling the Courts the truth re the false trumped-up affidavits and that administrative procedures not be used to cover-up the unconscionable actions of the respondents and their counsel. (On

9/19/88 Leslie Harris, a lawyer for Civil Rights published in W/P re testimony in the Congress:

> "You cannot use the administrative process when your intention is criminal (prosecution)," "You are imposing punishment without any of the safeguards of the Constitution."

Defendant Gibson was their only objective affiant without personal interest in her property. Facts show that the other respondents continue to deny all discovery, interrogatories sent to them first, although petitioner met all the F.R.C.P. requirements in efforts to obtain answers in 1988. Mr. Brandt's written statement to the Court "that it would be waste of his time" to answer the interrogatories unless petitioner goes to Respondent E.J.Faul's selected Lafayette psychiatrist is another attempt to cover-up for a number of factual reasons:

a) that there is evidence that Mr.Brandt has already furnished false damaging mental information to Dr.Ally and the Courts (pg.25 to 28) and which Dr.Ally misrepresented as

sworn on 3/6/85, but this too was unsworn until 3/20/85,hardly justifies him to demand that this pro se woman with objective scientific facts to show she does not have the mental problems be evaluated before his clients answer any interrogatories. F.R.C.P.requires that the respondents personally answer interrogatories.

b) Mr. Brandt destroyed evidence; the affidavits of the two principal defendants Deputy Forest Bearb and Leslie Faul, and respondents conspired and solicited trumped-up false "affidavits" with untruths and hearsay untruths denied to her lawyers many years ago, from embittered relatives she has not been around in years who wanted her property, and denied all discovery re "affidavits" given to Dr. Ally--affidavits have never been subjected to cross and would not be admissible in Court.

c) Mr.Brandt and his clients made available to the trial Judge in 88-416 (and 84-2540) misrepresentations which Mr.Brandt and

his clients made available to the trial Judge in that case without copying her prior to rulings, and they managed to obtain Summary Judgments etc. in subject cases before she was copied with those misrepresentations which would have proved the fraudulent scheme pleaded in subject cases. Petitioner not allowed to go into most of these secret misrepresentations at trial in 88-416 (when petitioner, pro se, tried to bring up one of E.J.Faul's misrepresentations, Mr.Brandt told the Judge "that was his misrepresentation") but Mr.Brandt resubmitted same with his post trial brief and which Judge copied from in his decision against her, AND, Defendant E.J.Faul and his counsel paid over $400. of filing fees in 87-1970 case to obtain her property but petitioner was only given pleading and five other pages in which long-distance label in subject case is being used to obtain her property while they refused to answer any questions whatsoever. Their unconscionable abuses and denials of due process are profitable. That Defendant E.J.Faul in 87-1970

is asking the Court to condemn petitioner and attached her property as per their 1981 "plans and threats" A-117-119, is the reason why Defendant E.J.Faul et al were insisting upon his Lafayette psych evaluate her before they answer interrogatories,so the psych would confirm their long-distance label, "condemn" "write her off" and they would never have to answer anything while petitioner is exposed to extremely potent experimental "Spike" chemical on her property in La.(which the manufacturer refused to sell to government to use in Peru) on day of Court order for her mental evaluation!

Note at A-217-230 in 1986 affidavit to evaluate E.J.Faul resubmitted in 1988 and never ruled on:

> "Summary judgment; mental evaluation would lead to more personal,economic abuses. The fraudulent scheme and conspiring which she can prove from the other cases have been completely ignored although she expressly pleaded she was not placing her health in controversy."

While the Fifth Circuit has denied right of appeal while there is evidence of fraud as explained, the defendants in subject cases are appealling to the same Judge for $15,000. sanctions,etc.,while the Judge has refused to rule on Mr.Gibson's Motion after facts showing fraud was produced and which was given to Dr.Ally and Courts by Mr.Brandt; thus they could extort more money from her and she could not appeal after they refused all discovery.

Writ should be granted because the Judge indeed showed he was prejudice at the 6/17/88 hearing for her discovery motions which were not even mentioned inspite of the Judge having been informed of her husband's surgery, as shown at A-23-25 and A-31-37.

Writ should be granted because there is evidence of false malicious fraud by the defendants and their counsel which form the basis of their "long-distance hypothesis" which was circulated as the real thing,and for which they gained an unfair advantage

in subject and all cases,and which further explains why they refused to answer any interrogatories.

Writ should be granted because in view of the evidence of fraud petitioner should be copied with everything made available to the Courts which has been denied to her with an opportunity to respond prior to ruling, including the defendants' "proposed order" in subject case which was denied to her and especially in view of the threats of "treatments" by the defendants with histories of addiction and their counsel as late as 1986, and some of the things which flow from such "diagnosis", treatment plans--this plaintiff has a heart injury.

Writ should be granted because the Judge has not ruled as to the estate of Dep.Bearb in subject case, and facts in record show he had definitely placed his health in controversy in phony counterclaim he filed and denied discovery even after court order for records; that motion for his evaluation was

pending from Jan.-Aug.1985 and never ruled on when Dep.Bearb died in Aug.1985 after representing himself pro se in an unrelated case and after by-pass surgery. Dep.Bearb with a grade school education was pro se and no mental evaluation was required and he had placed his health in controvery for unconscionable counterclaim. Petitioner,with discovery, represented herself pro se and won including on appeal with due process A-148.

Writ should be granted because the decision of the Fifth Circuit of Aug.1987 at A-43 is also being circulated by the State of La. in case against the laughing troopers (psychiatric nurse cop) who "arrested her and brought her to jail" on the day after petitioner hand-carried the complaint letter to the Sheriff of Crowley re Dep.Bearb falsely accusing her of having committed forgery, as Defendant Lois F.Bearb published in "affidavit" with untruths and hearsay untruth given to Dr. Ally. A-124;A-187. Although complaints were made to officials re both unconscionable

incidents, counsel for the troopers wrote that the officials could not be held accountable in incidents with citizens "like Mrs.Benson", and there were no investigations, only more unconscionable secret processes after the charges were dismissed,and the defendants in subject cases refused to answer any questions but Respondent E.J.Faul and his counsel are using the long-distance label etc. in subject cases in case to take her property!

Writ should be granted because the case should be reinstated as to Faul Energy,because E.J.Faul through his counsel, for summary judgment in 1986 clearly misrepresented that his affiliation was only as being owner of a few shares of stock in Faul Energy, when infact in 1986, underoath,E.J.Faul admitted he owned Faul Energy as late as 1984. (Discovery denied when they sued her in 1983;subpoenaes could not be served on E.J.Faul and Leslie Faul.) Respondents refused to answer as to if they gave permission to use such chemicals as "Spike" on her property.

Case should be reinstated as to Dr.Ally because facts show he was given damaging false fraud by Mr.Brandt which he relied upon and misrepresented as sworn on 3/6/85, made long-distance hypothesis and refused to answer interrogatories at A-194-197. Dr. Ally blamed this petitioner he did not even know for the actions of the defendants in report given the Courts,and then defendants refused to answer any questions at all re their untruths.

People's Medical Society (Medicine on Trial) quotes of more studies by doctors are found at A-236. Dr. William Carpenter, director of the Maryland Psychiatric Research Center said:

> "If you make the mistaken assumption of chronic schizophrenia, the patient may never recoup his losses."

And finally this Writ should be granted because there are important issues involved andthis case leaves a precedent which will affect many people, and the rights of women to own property, to have a child,

procedual and due process rights,etc. If one word only could be used in describing the unconscionable problems by the defendants, it would have to be the word p r e j u d i c e. Prejudice against petitioner having had a child out of wedlock; prejudice against her Jewish husband who was the only inlaw asked to sign off his community rights; prejudice against a woman "No Bids...will fight you in the Courts and otherwise to keep you from getting it; prejudice against the pro se person, prejudice against the trumped-up mental illness--pride, prejudice and greed. The family respondents' sensibilities are insulted at the thought of petitioner's home for unwed mothers and that she would help any woman regardless of color or creed who finds herself pregnant and wants to learn a skill to become independent. While she does not encourage children out of wedlock, petitioner was not the first, nor will she be the last, and while she would never try to judge anyone, the thought of an abortion to her spiritually

and biologically would be like ripping her heart and taking a part. In her modesto-pinion she feels that one of the major issues involved is a matter of economics, equal opportunity for what one is able to do in the business world, the right to make contracts and not to be treated differently or "treated" for problems she does not have!

Petitioner would like to be left alone and have the respondents enjoined out of her life so that she can pursue her good works because it has been her experience that caring heals and women who are pregnant out of wedlock should not be treated as second class citizens but should enjoy full constitutional rights like <u>everyone else.</u> (The W/P reported sometime back that the Pentagon did para-psychology research with adopted children and their natural mothers!! An expert in ethics in D.C. published that the government profiled women who have children out of wedlock without telling them or giving them an opportunity to correct falsehoods in record!

This petitioner has never committed forgery, nor did she ever indicate such a thing, nor did she ever commit any crimes, she earned a living for years as an administrative secretary bookkeeper with false secret forgery over her head; she was the victim of fraud and forgery and prosecuted the lawyer pro se and won. She has never taken anything from anyone and she still puts back a great deal in taxes while her property is being attached, some of it used for public use, and exposing her to very dangerous chemical, all without her knowledge or consent. Those who hold on to the ugly head of prejudice should not be rewarded with administrative processes to cover-up awful damaging fraud and ongoing secret processes.

A mental "label",including hypothesis,predictions, makes one very vulnerable. If scientific evidence would have been required since Kidder trumped up the false secret forgery many many years ago, many years of pain and suffering would have been avoided.Doctors

should not be allowed to ignore required clinical procedures. A-234-238. Facts show that each time there have been interventions, their have been trumped-up untruths and each time by people she never saw,and in 1985, when they wanted her property the family defendants came up with the phony trumped-up "affidavits" she was denied years ago and they proceeded to use past abuses. In 4/12/85 affidavit petitioner said:

"In 1977, I became quite sick in the building where we leased offices and I was given a strong drug which is given for exposure to toxics or radiation, and then I was in Cardiac Care after a prob. I.M.I.had been diagnosed. I was confronted with government and police affiliated doctors who had never seen me before (after the prob.I.M.I.had been diagnosed) who especially wanted me evaluated under the stress of cardiac care in the middle of the night but no final diagnosis were made. My history was ignored...The nurse who was with me that evening said I was rational and coherent...Heart injuries were later diagnosed, prominent septal depolarization, twisted heart aretry, coronary heart disease and heart defect."

Why was the nurse given a hard time for telling the truth. Why was the LaSalle Building condemned after the toxics she complained about were verified by others and writers such as Jim Hougan published about LaSalle.

In 1986, Respondents with addiction histories cite "overtreatments" and public policy considerations for summary judgment without they and their closet doctor answering any questions but the likes of E.J.Faul through his counsel mentioned more treatment plans just prior to attaching her property and following his two divorces, his being jailed and treated for alcoholic addiction. Petitioner knew nothing of the marriage of police,psychiatry, and technology in 1977 and had never heard of such things. Facts show that the prior psychiatric abuses and false secret forgery were used again in 1984 by Deputy Bearb and defendants who wanted her property; a lawyer defrauded petitioner and forged two of hēr initials; after she reported Dep.Bearb's actions she is under surveilliance in La. by laughing trooper nurse, arrested and brought to jail in La. as Lois F.Bearb wrote,and finally in 1987 E.J.Faul attaches her property.

Argument-Authorities Relied Upon

LONG-DISTANCE LABELS should be condemned by

Courts as they are by AMA,et al; DSM-III. Petitioner prays that Court enforce the recommendations of the study by the two psychologists (and lawyer) to Ban Opinions such as Dr.Ally's and direct that Courts only allow such opinions when they are supported by objective scientific tests.A-148-151;A-211-216; A-234-235. The Office of Technology just released a report warning of constitutional violations as follows:

> "right to refuse medical treatment","constitutional issues of privacy, discrimination and access to care", warned of intrusions "on the constitutionally guaranteed sphere of individual privacy".

Petitioner and her husband's Va. home was broken into by the technical cops in Feb.1988, black bag job, her legal papers missing; her La. house broken into! Even harrassed at Church by Police researcher;stopped going after 50 yrs. Federal funding recently denied after organization complained of "psychological manipulation, induced behavioral change and privacy-invading treatments".

In CA 87-1372-A Pierson et al vs. Sheriff Gondles et al,Arlington,Va.,in 1988,U.S.Dist.

Judge J.C.Cacheris dismissed the complaint filed by four deputies because they had "conspired among themselves to give false testimony...warrants most serious sanctions". In subject cases S.J.and administrative processes are being used to cover-up their untruths under oath which are not admissible under Art. 967 of La.Code of C.Pr.nor under FRCP 56e,56g and 60b,and ARCP;they have never been subjected to cross; affidavit whose certificate does not state the place where it is taken is not admissible...U.S.v.Burr Fed #14,692 (29);

> "C.C.A. Fla.1926 Intentional misrepresentations of material fact,to mislead another, is "positive fraud" Nocatee Fruit Co. v.Fosgete 12 F.2d 250,affirming D.C.Fosgate v. Nocatee Fruit Co.299F.963; 3F 2d606."

In Poireir v. Hodges,D.C.Fla.445 F.Supp.838:

> "right to be free from discriminatory private conspiracies,right to be free from being a victim of independent illegality."

The right to"face your accusers"; "to be left alone"; equal justice,statutory,due process rights.

Conclusions

For reasons set forth above and to prevent increasing abuses she prays Writ will be granted.

December 29, 1988

Louella F. Benson

Louella F.Benson,prose
6432 Montrose St,
Alexandria, Va.22312
703 256 7595

CERTIFICATE OF SERVICE

I certify that three copies of the foregoing have been mailed to Charles Brandt,Esq., 300 B Stewart St., Lafayette, La. 70501, and to Homer Ed Barousse, Esq., P.O. Box 730, Crowley, La. 70526, on this the 29th day of Dec. 1988, via first class postage prepaid, which supersedes the copies filed and forwarded to them on Dec. 8, 1988. The Writ has been retyped doubled-spaced.

Louella F. Benson

Louella F. Benson, pro se
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

APPENDIX

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
No. 88-4777

LOUELLA F. BENSON
VS. appellant
GLENN A. ALLY, ET AL
EWELL J. FAUL
appellees

U.S.Court of Appls.
Received
Nov.4, 1988
New Orleans,La.
C.A.No. 86-0489

U.S.Court of Appeals
FILED
Nov.4, 1988
Gilbert F.Gancheau,
Clerk

ADDITIONAL
NOTICE OF APPEAL

This Notice is being sent in the event it is necessary to inform that I will be appealing the Order entered on Oct.28, 1988, denying Writ of Mandamus along with all other issues in my Writ to the Supreme Court under the applicable rules of the Courts for matters in and from U.S. District Court-Western District of Louisiana, Monroe Section L, (Lafayette-Opelousas). Should a fee be needed please advise.

Respectfully submitted,

/s/Louella F.Benson,prose
6432 Montrose Street
Alexandria, Va.22312
703 256 7595

I certify that the original and a copy of this Notice are being sent via overnight service to Honorable Gilbert F. Gancheau, Clerk for the U.S. Court of Appeals for the Fifth Circuit, 600 Camp Street, New Orleans, La., 70130, with request that copy be returned for my files after filing in enclosed self-addressed stamped envelope, and that copies are being sent to the following by first class mail on this the 3rd day of November 1988:

Honorable Robert Shemwell
Clerk, of U.S. Dist. Court
Western District of La. (Monroe)
106 Joe D. Waggonner Federal Bldg.
500 Fannin Street
Shreveport, La. 71101

Homer Ed Barousse, Esq.
Edwards Building
P.O. Box 730
Crowley, La. 70526

Charles Brandt, Esq.
300 B Stewart St.
Lafayette, La. 70501

/s/ Louella F. Benson

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 88-4777

U.S. Court of Appeals
F I L E D
Oct. 28, 1988
Gilbert F. Gancheau
Clerk

IN RE:

LOUELLA F. BENSON,
Petitioner.

CV86-0489-L

U.S.District Court
Western Dist.of La.
/s/ RJS
By SJD
Filed
Oct.31,'88

Petition for Writ of Mandamus to the United States District Court for the Western District of Louisiana

---

Before JOHNSON, JULLY and HIGGINBOTHAM, Circuit Judges.

BY THE COURT:

IT IS ORDERED that the petition for writ of mandamus is DENIED.

copy sent
date: 11-1-88
by sjd
To: Benson
Brandt
Barousse
DEW
MEM

a true copy
test
Clerk,U.S.Ct of Apls.
Fifth Cir.by:
M.Thompton, Dep.,Oct.28,1988,N.O.,La.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 88-4447
USDC NC. CV86-0489

U.S.COURT OF APPEALS
FILED
Aug.10,1988
Bilbert F.Ganucheau
Clerk

ICUELLA F. BENSON,
Plaintiff-Appellant,

versus

E. J. Faul, ET AL.,
Defendants-Appellees.

Appeal from the United States District Court for the Western District of La.

Before GEE , RUBIN, AND POLITZ,
Circuit Judges.

BY THE COURT:

This Court must examine the basis of its jurisdiction on its own motion, if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir.1987). In this diversity suit, the plaintiff has appealed from orders of the district court dismissing some but not all the defendants. Specifically,

defendant William C. Gibson remains as a party-defendant to the litigation. An order which disposes of fewer than all the defendants is not appealable without a certificate from the district judge under Fed. R.Civ.P.54(b). Thompson v. Betts, 754 F. 2d 1243, 1245 (5th Cir.1985). The district court has entered no Rule 54(b) certificate. The appeal is dismissed.
Initialed Gee, Rubin, Politz

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 88-4447
USDC No. CV86-0489

U.S. Court of Appeals
F I L E D
Aug. 17 1988
Gilbert F.Ganucheau,Clerk

LOUELLA F. BENSON, Plaintiff-Appellant,

Vs.

GLENN A. ALLY, PhD et al
Defendants-Appellees

NOTICE OF APPEAL

This Notice is to inform all parties that plaintiff will appeal all rulings in this case to the Supreme Court again in view of new developements, as to all parties; e.g. the admissions of opposing Counsel Brandt in 1988 re denials of discovery in 1986, and admissions as to why discovery was denied in subject cases in 1988 as applied to 1986, all of which affects all matters; the descrepancies in affidavit of Defendant Gibson furnished in 1988, as compared to the one of 1985

represented by Mr. Brandt as Mr. Gibson's affidavit and which he had furnished to */ Defendant (long-distance psychologist who has never seen plaintiff) Glen Ally and upon which he relied for his long-distance hypothesis; the additional denials of due process in 1988 as previously documented in Notices, Motions, other developments, and in view of the fact that inspite of the unconscionable denials of due processes, misrepresentations, etc. in subject cases, the unpublished opinion is being used and circulated in other matters and causing a tremendous amount of unwarranted increased on-going harm, while no defendants answered any questions re yrs. of secret abuses.

*/ Note too that after plaintiff followed all the FRCP in 1988 in efforts to obtain answers to 1986 interrogatories and ongoing, in efforts to have the interrogatories answered personally by defendants as required by FRCP, Mr. Brandt wrote about the waste of "his time". Plaintiff is also appealing new developments showing she was not copied with reasons in record for mental evaluation in 1986, and for denials of pre-arranged paid for transcript of 6/17/88 etc.

Also, there are other matters in subject case which have not yet been ruled on, but plaintiff is giving this Notice to protect her rights as to all rulings re all defendants, and she would pray that the Court would stay the mandate in all areas until after she has a chance to appeal all matters to the Supreme Court.

All rulings in subject cases will be appealed from the U.S. Court of Appeals for the Fifth Circuit to the Supreme Court of the U.S..A copy of the Court's latest ruling of 8/10/88 is attached. (Plaintiff will also appeal because Mr.Brandt admitted in 1988 in writing again as in other matters above referred to, that the S.C. had been briefed by both parties in subject case. Facts show he again failed to copy her as requested so that she could respond, and which was crucial in view of other misrepresentations made in legal matters.)

Please return enclosed copy for my

iiles after filing. Envelope enclosed.

/s/ Louella F. Benson
prose
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

I certify that a copy of the foregoing is being sent via first class pre paid postage to Charles Brandt, Esq., 300 B Stewart St., Lafayette, La. 70501, and to Homer Ed Barousse, Esq., Edwards Bldg., P.O. Box 730, Crowley, La. 70526 on this the 15th day of Aug. 1988. I further certify that the original and a copy are being sent to the Honorable Gilbert F. Gancheau, Clerk of Fifth Circuit, 600 Camp St., New Orleans, La. 70130 on this date for filing via certified mail.

/s/ Louella F. Benson

via overnight service

LOUELLA F. BENSON,
plaintiff-appellant

vs.

GLENN A. ALLY, ET AL
defendants-appellees

C.A.No.86-0489
JUDGE WALTER

To: Honorable Robert H. Shemwell
Clerk U.S.District Court
106 Joe D. Waggonner Fed.Bldg.
500 Fannin Street
Shreveport, La. 71101

NOTICE OF APPEAL

This Notice is being sent in the event it is necessary to preserve rights as to the Court's entry of Aug.31, 1988 re her Motion for Ruling and to Preserve Rights of Appeals in this case, as to all matters, from the U.S. District Court, Western District of La. Monroe Section L,(Lafayette-Opelousas) to the Fifth Circuit Court of Appeals (U.S.) under Rules 3,4 (a) FRCP, ARCP or any applicable rules.

In view of the developments in this case it is obvious that the Courts have been mislead as this plaintiff has tried to express.

Plaintiff has noted in the transcript of the hearing of June 17, 1988, that the word affidavit was used in the plural, and she would pray that the Court would make available to her copies of any communications which have been denied to her since she has filed this case-with an opportunity to be heard and respond. Plaintiff has been a victim of abuses and secret processes for many years.

Since there may be other rulings in this case, she is not sending an additional check unless the Court demands it, at which time she will remit promptly.

Respectfully...,

/s/ Louella F. Benson,
prose
6432 Montrose St.
Alexandria, Va.22312
703 256 7595

I certify that a copy of the foregoing is being sent via overnight service on this the 8th day of Sept., 1988 to the Clerk of Court at the address above stated and to Homer Ed Barousse, Esq., P.O,Box 730,

Edwards Bldg., Crowley,La. 70526, and to Charles Brandt, Esq., 300 B Stewart St., Lafayette, La. 70501 by first class mail.

copy sent 9/9/88 /s/

Louella F. Benson

By nl
To: Ct.Ap.
Benson w/ fee ltr.
Brandt
Baroussse
DEW - Carroll

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA, LA-
FAYETTE-OPELOUSAS-MONRCE DIVISION

LOUELLA F. BENSON
plaintiff, CV86-0489
vs. Section L

GLENN A. ALLY, PhD, et al
defendants

JUDGE WALTER
MAGISTRATE METHVIN

ORDER

UPON CONSIDERATION of plaintiff's Motion filed on Aug. 19, 1988, it would appear that the plaintiff has shown good cause and her motion is granted.

Ordered on ___day of ____1988,Monroe, LOUISIANA.

U. S. DISTRICT JUDGE

COPY SENT:
DATE 8/31/88
By dd
TC Benson
Brandt
Barousse, Jr.

Returned unsigned
8/30/88
/s/ DEW

U.S. District Court
Western District of La.
F I L E D
Aug 31 1988
Robert H. Shemwell,Clerk
By: dd -deputy

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 88-4672
USDC #CV 86-0489M

LOUELLA F. BENSON
plaintiff-
versus appellant,
GLENN A. ALLY ET AL,
defendants-appellees.

U.S.COURT OF APPEALS
F I L E D
Nov 2 1988
Gilbert F.Ganucheau
Clerk

Appeal from the United States District Court for the Western District of Louisiana

Before JOHNSON and JONES, Circuit Judges.

BY THE COURT:

This Court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). On August 10, 1988, this Court entered an order dismissing an appeal filed by this plaintiff from four orders entered in this pro se diversity action, on the grounds that the district court had entered no Fed. R.Civ.P.54(b) certificate. Benson v.Faul et al., No.88-4447 (5th Cir.Aug.10,1988).

Plaintiff then filed in the district court a motion denominated "Motion for Ruling and to Preserve Rights of Appeal." Although it is not altogether clear, she appears to be requesting that the district court enter a Rule 54(b) certificate at this time, or somehow acknowledge that she can appeal those orders later. The district court returned the motion and unsigned prepared order to plaintiff, and she filed a notice of appeal.

"Federal Circuit Courts only have jurisdiction over three types of appeals: (1) final orders, 28 U.S.C. § 1291; (2) certain specific types of interlocutory appeals, such as those where injunctive relief is involved, 28 U.S.C. §1292 (a) (1); and (3) appeal where the district court has certified the question as final pursuant to Federal Rule 54(b), 28 U.S.C. §1292(b)." See Dardar v. Lafourche Realty Co., 849 F. 2d 955, 597 (5th Cir.1988). There is no

basis for appellate jurisdiction over the present matter.

We direct plaintiff's attention to Fed. R.Civ.P.11 and Fed.R.App.P.38 pertaining to sanctions and admonish her that further prosecution of this and all suits shall be conducted in accordance with those rules. Frivolous motion or motions for rehearing can also warrant imposition of sanctions. A litigant's pro se status does not preclude imposition of sanctions." Lyons v. Sheets, 834 F.2d 493,498 (5th Cir. 1987).

APPEAL DISMISSED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
NO. 88-4672
USDC #CV 86-0489-M

via overnight service U.S. Court of Appls.
Filed Nov. 23, 1988

LCUELLA F. BENSON,
Plaintiff-Appellant,
v. Gilbert F. Ganucheau

GLENN A. ALLY ET AL,
Defendants-Appellees

NOTICE OF APPEAL

This Notice of Appeal is being sent re the Court's Order of Nov. 2, 1988 in above mentioned case to notify that it will be appealed to the Supreme Court, along with the Court's denial of Writ of Mandamus in same case on Oct.28, 1988, and the Court's order of Aug.10, 1988, which is the same but under a different number 88-4777, re matters from U.S. District Court-Western District of La., Monroe Section L,(Lafayette-Opelousas) under applicable laws or provisions-or any applicable rules, in view of the history of the case, proof of untruths in new developments and which go to the core of the case, and the on-going

circulation of matters in subject case in other cases to appellant's detriment, including in case where Appellee E.J.Faul, with Mr.Brandt's help, has attached appellant's property.

Respectfully submitted,

s/Louella F.Benson,prose
6432 Montrose Street
Alexandria,Va.22312
703 256 7595

I certify that the original and a copy of this Notice are being sent via overnight service to Honorable Gilbert F. Ganucheau, Clerk for the U.S.Court of Appeals for the Fifth Circuit, 600 Camp St.,New Orleans,La., 70130, with request that copy be returned for my files after filing, in enclosed self-addressed stamped envelope, and that copies are being sent to the following by first class mail, all on this the 22nd day of Nov., 1988:

Charles Brandt,Esq.
300 B Stewart St.
Lafayette, La. 70501

Homer Ed Barousse,Esq.
Edwards Bldg.P.O.Bx.730
Crowley, La. 70526

s/ Louella F. Benson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

LCUELLA F. BENSON,
Plaintiff
Vs. C.A.CV86-0489

GLENN A. ALLY, PhD et al Section L
Judge Walter
Defendants

O R D E R

UPON CONSIDERATION, it would appear that plaintiff has shown good cause and her motion to have the interrogatories answered is granted.

ORDERED ___day of ____,1988,_____, La.

_____
UNITED STATES DISTRICT JUDGE

Returned unsigned
Set for oral argument
1:00 P.M. June 17, 1988
DEW

Copy sent:
Date 4/27/88
By dd
To Benson
Brandt
Barousse Jr.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F. BENSON C.A.No.86-0489

VS. JUDGE DONALD E. WALTER

GLENN A. ALLY, PhD.,ET AL

ORDER

UPON consideration of plaintiff's Motion to Evaluate Defendant E.J.Faul, it would appear that plaintiff has shown good cause and her motion is granted.

IT IS ORDERED that this examination take place on the 26th day of May, 1988 at 9:30 A.M. at the office of Dr.William P.Cloyd, 1105 South College Road, Lafayette,La., and that E.J.Faul be subjected to a battery of psychological testings, including Rorschach test and that he make his complete history available to the professional evaluating and testing him, including history of all confinements and/or treatments etc.

Upon defendant's complying with this order, plaintiff will reimburse the doctor for evaluations.

DISTRICT JUDGE

Returned unsigned -See notation on Docu-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

LOUELLA F. BENSON
vs. plaintiff

GLENN ALLY ET AL
defendants

CV86-0489
Section L
Judge Walter

O R D E R

UPON CONSIDERATION OF Plaintiff's Motion for Ruling on her Motion to evaluate Defendant E.J.Faul, it would appear that the plaintiff has shown good cause and her motion is granted. E.J. Faul will report to _____on _____for complete mental evaluation and psychological testings.

ORDERED on this the ___day of _____,1988, Monroe, La.

UNITED STATES DISTRICT
JUDGE
Donald E. Walter

returned unsigned
DEW
Set for oral argument
1:00 June 17, 1988
DEW

copy sent:
Date 4/27/88
by dd
To Benson,Brandt
Barousse,Jr.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA P. BENSON C.A.No.86-0489-L

VS. JUDGE WALTER

GLENN A. ALLY, PhD,et al

MINUTE ENTRY

Pursuant to instructions of Honorable Donald E. Walter, the following motions are set for oral argument on Friday,June 17, 1988 at 1:00 P.M.in Monroe, Louisiana:

(1) Plaintiff's Motion for Ruling on Motion to Evaluate E.J. Faul;

(2) Plaintiff's Motion to Compel Answers to Interrogatories;

(3) Plaintiff's Motion to Evaluate E.J. Faul.

By Direction of the Court
Robert H. Shemwell,Clerk of Court
By /s/ Sandra J. Dean
Deputy Clerk

copy sent
date 4-29-88
by sjd
To: Benson
Brandt
Barousse
DEW
Angie

6432 Montrose Street
Alexandria,Va.22312

June 12, 1988

Certified - Return Receipt Requested

Honorable Robert H. Shemwell
Clerk, U.S.District Court
106 Joe D. Waggonner Federal Bldg.
500 Fannin Street
Shreveport, Louisiana 71101

Dear Mr. Shemwell:

U.S.District Court
Western District La.
F I L E D
June 15, 1988
Robert H. Shemwell,
Clerk

Re: Benson vs. Ally et al
CV86-0489 - Monroe
Judge Walter

Enclosed is a check for $100.00. Please see that a transcript is made of any oral hearings which I believe are now scheduled for June 17, 1988, 1:00 p.m., before Judge Walter, in Monroe,La. Should there be an oral hearing on Defendants' Motion to dismiss, please see that a transcript is made of this hearing also. I will remit any additional amount due promptly upon request of the reporter.

Please see that the Monroe office is

timely informed so that arrangements can be made for a reporter. I am not allowed to communicate directly with Monroe, I am enclosing an extra copy for your convenience. Should time not allow a written communication between Shreveport and Monroe prior to June 17, I would appreciate you having an assistant clerk call the Monroe Office to make certain a reporter is present to cover the hearings. I will pay for call.

There is a possibility I may not be able to attend in view of my husband's surgery. In any event, I stand on the filings which I have made in the record.(The filings include the attachments.)

The second copy enclosed is to be returned for my files after filing of this letter in the record. Thank you. A self-addressed stamped envelope is enclosed also.

Very truly yours,
Louella F. Benson,
prose
703 256 7595

Encls. as stated

cc: Charles Brandt,Esq.

P.S. Should I not be able to attend,would appreciate it if the Clerk would convey my apologies to the Judge with above-mentioned reason. Thank you very much.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
No. 88-4777

LOUELLA F. BENSON

VS. appellant

GLENN A. ALLY, et al
LEWELL J. FAUL
appellees

6/14/88 No.163 on docket sheet 6

"Order issued as Mandate from 5th Cir. Ct. of Ap.; the motion of appellee to dismiss the appeal is granted; the appellant's motion for release of information is denied; the appellant's motion to reinstate as to Ally & Paul Energy is denied; record returned; NOE on 6/15/88 to Judge Walter; Angie Carroll (nl)" should be Faul Energy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION IN MONROE,LA.

PRESENT: DONALD E. WALTER, JUDGE presiding
RICHARD WILLIAMS,COURT REPORTER
ANGENE CARROLL, Minute Clerk

June 17,1988

Court Opened: 1:00 P.M. Court Adjourned 1:03 P.M.

MINUTES OF COURT

CASE NO. CV86-0489

LOUELLA F. BENSON vs. E.F.FAUL,ET AL
PLAINTIFF DEFENDANTS

Case called for

x Hearing on motions Affidavit of P.B. Phyliss Benoit

copy sent
date 6-21-88
by ac
To: Benson
Brandt
Barousse

Verdict,ruling, comments:

"Case came on for hearing on plaintiff's appeal of ruling on motion to compel answers to 3rd set of interrogatories. Plaintiff failed to appear. Court ordered movants dismissed for reasons orally assigned.

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

U. S.District Court
Western Dist. of La.
F I L E D
June 20, 1988
Robert H. Shemwell,Clerk

LOUELLA F. BENSON

VS. CIVIL ACTION NO. 86-0489

GLENN A. ALLY, ET AL JUDGE WALTER

O R D E R

For reasons orally given today in open court, the motion to dismiss filed by defendants E.F.Faul, Nellie C.Faul, Aimee Melody Faul, Malcolm Bearb, Leslie Faul, Grace Izena Kidder, Melvin Kidder and Lois F.Bearb is granted. Louella Benson's claims against those defendants are Dismissed. Fed.R.Civ.P.37(b) (2)(C).

THUS DONE AND SIGNED at Monroe, Louisiana, this 17th day of June, 1988.

/s/ Donald E. Walter
United States District Judge

Judgment Entered
by 6-21-88 sjd

copy sent to Benson,Brandt, Barousse ATTEST-a true copy
Date June 21, 1988
R.H.Shemwell,Clerk, by S.J.Dean,D.C.Dist.Ct.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

June 17, 1988

PROCEEDINGS:

COURT: Be seated,please. I am going to do 86-0489, Benson versus Faul,et al. Ms. Benson. Ms.Benson is not here. Mr.Brandt.

Brandt: Yes, Your Honor.

Court: Mr. Brandt.

Brandt: Sir?

Court: Have we cured all of the problems that the Fifth Cirucit?

Brandt: Yes, Your Honor, I believe we have.

Court: Yes, Let's go ahead and put this on record.

Brandt: I have an affidavit I would like to file into the record in connection with these proceedings.

Court: Okay. Wait just one second. Would you, Charlie, call Louella Benson and see whether she is here, she represents herself. I have left word on her recording machine what,twice.

She has not returned my call. I was trying to let her do it by phone, but she doen't return the call. I gather she is not responsive to your request for the mental examination.

Brandt: No, Your Honor.

Court: Not there, Okay. Let's see your affidavits, Sir. The Fifth Circuit, as I appreciate it, said that I was wrong in that we never specified who was to examine Louella Benson. But I believe my order did specify that, didn't it?

Brandt: Yes, Your Honor, it did.

Court: And they said I was wrong because I made no findings to justify the dismissal. I thought the record would speak for itself.Consistently, throughout the record Ms.Benson has shown an utter disregard for whatever the Court orders. She doesn't show up at anything. She doesn't

show up at these hearings. She is in total disregard of the Court's orders. I see nothing to do except to enforce the sanctions of dismissal of the lawsuit. Mr. Brandt, is there anything further?

Brandt: No, Your Honor. I feel like that pretty much covers it.

Court: Do you have an estimate of what this constant review of the same allegations over and over again is costing your clients?

Brandt: An estimate would be around three thousand dollars.

Court: I think it's just ridiculous to continue. I am going to enter an order of dismissal. As to the remaining defendants you represent, the four Hauls, B.R.Kidder, the two Kidders, Gibson and,well there are two B.R.'s, Is that right? (should be Bearbs) added.

Brandt: That's correct, Your Honor.

Court: Dr. Ally has already been dismissed, as has. (Should be has he)

Brandt: Faul Energy

Court: Faul Energy? is that correct?

Brandt: Yes, Your Honor.

Court: Your motion to dismiss as sanctioned is granted, Sir.Thank you,Your Honor.

Court: Sorry to have made you come all the way from Crowley for that.

Brandt: That's quite all right.

Court: If you want to ask for Rule 11 sanctions, I will certainly entertain them.

Brandt: Thank you, Sir.

Court: You want to file this, Madam Clerk, in the record?"

State of Virginia
County of Fairfax

I am an administrative secretary bookkeeper and work with my husband of twelve yrs., who is a professional in the above-mentioned state and county. This affidavit is underoath by affiant.

On June 17, 1988 oral hearings were to be held in CV86-0489 Western District of La. Opelousas-Lafayette Division, before the Honorable Donald E. Walter in Monroe, La., on my Motions to compel the Defendants to Answer the Interrogatories (propounded to them since April 19, 1986, in view of new developments, etc. filed on 4/7/88 with attachments) and on my Motion to Evaluate E. J. Faul with attachments, resubmitted in 1988, as shown per the attached Court orders and Minute Entry file on 4/28/88.

I had plans to attend the oral hearings and had made reservations for 6/16/88 on Continental's #1253 into New Orleans, and

on Royal #651 on 6/17/88 to depart For Monroe at 9:30 a.m. for the hearing at 1:00 pm on 6/17/88 with a return via Royale #654 at 5:45 p.m. on 6/17/88, and Cont.'s #1252 at 7:50 a.m. on 18th out of N.C., into Washington National.

As I informed the Clerk via certified service on June 12, 1988, my husband had to have surgery on June 14, 1988, and I mentioned a possibility of not being able to attend in the event of complications. As it turned out following the crucial surgery, he had, my husband was not able to walk for a while and was in pain for several days. Thus, I was not able to leave him, and placed my responsibilities as a wife and human being as a priority to that of a pro se person but in no way did I mean any disregard for the Court. If I failed to do anything I was supposed to do-it was simply in view of my preoccupation with my responsibilities at home.

As shown by a copy of my letter of June 12, 1988 with a $100.00 deposit for the transcript of any hearings held on 6/17/88, and which were filed on 6/15/88, I had timely requested all transcripts of hearings etc. and which was timely arranged by the Clerk in Shreveport, as shown on the docket sheet on 6/15/88, "check sent to Richard Williams by Troy. Troy advised Richard Williams to be present for oral arguments. (SJd)". The cancelled check has been returned and prior to my being informed of such arrangements, after I obtained Mr. Williams' name on order of 6/17/88, I sent Mr. William another request for such transcripts with an additional $100.00 deposit, but I have not received any transcripts. My letters to obtain the above, any information filed or made available to the Court, copies of all orders, and to have corrections made in release of 6/17/88 under "Verdict, Ruling,etc. to include my two

above mentioned motions etc., which was why the hearing came about, were returned unfiled and resubmitted for filing. After I was not furnished the transcript etc. or copy of proposed orders for Rule 11 Sanctions etc., I have filed a formal motion to obtain all of the above on 7/15/88. I did receive a copy of the Judge's order of 6/17/88 saying the claims against Mr. Brandt's clients were dismissed. Fed.R.Civ. P.37(b) (2) (C). For reasons orally given today in open court, the motion to dismiss filed by defendants E.F. (should be J.) Faul et al is granted. I have not been able to learn what the "reasons orally assigned" noted in Judge's ruling of 6/17/88 are-although same was requested. I did receive a copy of the affidavit of Phyllis Benoit.

As shown on pg. 1 and with copies of orders attached, the hearing on 6/17/88 had not been set for E.J. Faul et al's motion to

dismiss; it had been set for resubmitted 1988 Motion to evaluate E.J.Faul with affidavits, and my motion to compel defendants to answer the 1986 interrogatories resubmitted in view of new developments admitted by their counsel which cannot be ignored in their ignoring of due process rights.

All statements in my affidavit are correct in accordance with my best knowledge, information and belief.

Sworn and subscribed before me the undersigned authority, this 27 day of July 1988.

/s/ Louella F.Benson

STATE OF VIRGINIA

COUNTY OF FAIRFAX

/s/Thimothy S. Mile
NOTARY PUBLIC

My Commission Expires Dec., 8, 1989

Note: Transcript of June 17, 1988 and refund from Mr.Williams sent to LFB in Sept. 1988.

STATE OF VIRGINIA

COUNTY OF FAIRFAX

In response to the Affidavit of Phyllis Benoit I state the following underoath:

I am an administrative-secretary-book-keeper and work with my husband who is a professional in the above-mentioned state and county.

Phyllis Benoit and her employer referred to in her affidavit are not known by me and I am not indebted to anyone. Ms.Benoit states that I failed to keep appointments with her boss, psychiatrist Dr. Cloyd in Lafayette, La., but she fails to state that I never made any appointments. Ms. Benoit states that I did not call Dr.Cloyd's office. I did not call Dr. Cloyd's offices because I have never sought his services and would ask that all my rights be respected. I am not a psychiatric patient.

Should Dr. Cloyd feel that I am indebted to him in anyway I would suggest that he

send me a bill with an itemization and supporting statements on his professional letterhead stationery. As a professional bookkeeper I have found that that is a required standard in the Commonwealth of Virginia for the $400.00 which it has been represented to me that I should pay Dr.Cloyd.

Should Dr. Cloyd seek money from me I would suggest that he obtain it from the person who made the appointments. Dr.Cloyd, and/or any other long-distance mental health personnel who I do not even know, other defendants, E.J. Faul, my brother with a history of alcoholic problem, and his counsel Charles Brandt, who helped him attach my property in La. for $100,000. in Sept. of 1987, cannot obtain undue money from me. The property E.J.Faul has attached is the same property he had plans to obtain and take complete control of in 1981, and only let back in those he wanted to after my Father's death. E.J.Faul and the family

defendants also sued me in 1983, after I insisted on bidding on the improvements of my deceased parents. The suit was dismissed after I accepted their agreements in good faith and took losses in view of same. Subsequently, E.J. Faul and all heirs had an opportunity to bid on improvements but did not, other than myself.

All statements in my affidavit are correct in accordance with my best knowledge, information and belief.

Sworn and subscribed before me the undersigned authority, this 27 day of July 1988.

s/ Louella F. Benson

/s/ Thimothy Miles
Notary Public

My Commission expires December 1989.

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION-MONROE

LOUELLA F. BENSON C.A.No.86-0489-L
plaintiff

VS. JUDGE WALTER

GLENN A. ALLY, ET AL
defendants

O R D E R

UPON CONSIDERATION of plaintiff's Motion to Produce Transcript of hearings of June 17, 1988, and to Correct Comments on Release of June 17, 1988 Under Verdict, Ruling, Comments, and for copy of Defendants' Proposed Orders, Etc., it would appear that she has shown good cause, and it is:

Ordered that the reporter, Mr.Richard Williams, will transcribe the hearings of 6/17/88 forthwith and forward to the plaintiff;

Ordered that the release of 6/17/88 by the Court will be corrected to include the plaintiff's pending motions as shown in entry signed by Ms.Sandra J.Dean by direction

of the Court on 4/28/88 with copy forwarded to plaintiff and for appeal purposes;

Ordered that a copy of defendants' proposed order/orders will be made and forwarded to plaintiff forthwith.

Ordered that defendants will copy all parties with any information not made available to them, any oral information made available to the Court will be reduced to writing underoath and served upon all parties with copies of any written filings not previously furnished.

Thus done and signed on this the ___day of ____, 1988, Monroe, Louisiana.

Unsigned
U.S.District Judge

U.S.District Court
Western District of Louisiana
F I L E D
July 27 1988
Robert H. Shemwell, Clerk
by dd
copy sent:
Date 7-27-88
by dd
To: Benson
Brandt
Barousse, Jr.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
Nos. 86-4797 and 86-4798
Summary Calendar

Louella F.Benson, Plaintiff-Appellant,

vs.

Glenn A. Ally, Et Al, Defendants-Appellees

Appeal from the United States District Court
for the Western District of Louisiana
(CV-86-0489-L)

August 27, 1987

Before Politz, Williams and Jones,
Circuit Judges.

PER CURIAM:*

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*Local Rule 47.5 provides "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the Court has determined that this opinion should not be published.

This litigation consists of two consolidated cases involving a bitter family feud between Louella Benson and various relatives. Benson alleges that the defendants and psychologist Glenn Ally conspired to publish a

false report that Benson suffers from schizophrenia and paranoia. Allegedly, the defendants gave Dr. Ally false information about Benson, and based on this information Ally published the defamatory report.

I.

On October 8, 1986, the district court granted summary judgment for defendant Faul Energy Co., based on the company's affidavit that it never provided information to Dr. Ally and that it had nothing to do with the alleged defamatory scheme. In addition, Dr. Ally swore by deposition that he received information from some of the Fauls but not from Faul Energy Co. Benson submitted no summary judgment proof linking Faul Energy to Dr. Ally but claimed that she could uncover such proof with more discovery. She did not specify what information she expected to elicit by discovery. Moreover, on July 11, 1986, the district court had denied a motion by Benson to

compel discovery, because Benson had made no effort to coordinate discovery with the defendants. Given the evidence and the time allowed for discovery, we affirm the granting of summary judgment for Faul Energy Co.

Under Louisiana law, a statement must be "false" to be defamatory. Cangelosi v. Schwegmann Brothers, Inc., 390 So. 2d 196 (La.1980); Manale v. City of New Orleans, 673 F. 2d 122, 125 (5th Cir. 1982).

On October 8, 1986, the district court granted summary judgment for Dr. Ally on the grounds that his report was not "false." Ally's report stated:

> "I have not had the opportunity to interview and/or evaluate Mrs.Benson (and) my impressions are based solely on the written statements provided me, and are hyptheses which should be corroborated by clinical evaluation...If one accepts the accuracy of the statements provided me, it would seem, based on these documents, that Mrs.Benson suffers from a chronic psychological disorder, (most likely) schizophrenia, paranoid type. In my opinion, there does appear to be sufficient justification to request further psychiatric/psychological evaluation.

Benson claims that the information on which Dr. Ally relied was false. She also claims that she is not schizophrenic or paranoid. As set out above, Dr.Ally simply gave his qualified, professional opinion that the allegations about Benson, if true, indicate mental problems. Dr. Ally's statement was not "false." See Jacobs v. O'Bannon, 472 So.2d 1980 (La.App.4th Cir. 1985).[1]

To the extent that Benson alleges that Ally committed medical malpractice, her claim is foreclosed by La.R.S. § 40;1299-47, which requires her to present her claim to a "medical review panel" before suing in court. See Seoane v. Ortho Pharmaceuticals, Inc., 660 F. 2d 146 (5th Cir.1981).

We affirm the summary judgment in favor of Dr.Ally.

1/ Jacobs stated that Soula O'Bannon may have had sexual relations with her father. The court held this statement was not false, because "anything is possible, and Jacobs was merely stating a possibility...however remote it may be."

III

On June 2, 1986, the district court under Fed.R.Civ.P.35 ordered Benson to undergo a mental examination. This order was proper because Benson had placed her mental condition in issue, and the record in this case itself indicates the need for such an evaluation. On October 10, 1986, the court ordered Benson to comply with the June 2 order by October 20, 1986. On October 23, 1986, the district court dismissed Benson's suit under Fed.R.Civ.P. 37(b) (2), as a sanction for failing to submit to a mental examination.

We reverse this dismissal for two reasons. First, the court never specified who would exam Benson, as it was required to do by Rule 35. Second, although the district court has broad discretion under Rule 37(b) (2), it made no findings to justify the dismissal. See Baton v. Neal Spelce Associates, Inc., 765 F.2d 511,516 (5th Cir.1985)[2]

2-The defendants,in their motion to dismiss, alleged that Benson skipped two scheduled appointments with Dr.Cloyd.The district court, however,made no such findings.

IV.

Finally, the defendants move to dismiss this appeal,alleging that Benson failed to file a timely notice of appeal.

Benson filed notices of appeal on Cct. 31, 1986, while motions to reconsider the summary judgments and the default were pending before the district court. Those motions were denied on Nov.17, 1986. The considerations of and ruling upon the appellant's motions to reconsider after the notices of appeal were filed rendered those notices "nullities;" "it (was) as if no notices of appeal were filed at all." Griggs v. Provident Consumer Discount Co., 459 C.S.56, 61,103 S.Ct.400,403,74 L.Ed 2d 225 (1982). Cn Nov.24, 1986, however, Benson wrote the district court clerk to re-urge her appeals. The Nov.24 letter can be treated as an adequate notice of appeal, and we have jurisdiction to consider this appeal.

We affirm the summary judgments in favor of Faul Energy Co.and Dr.Glenn Ally but

reverse the dismissal under Rule 37(b) (2) and remand appeal number 86-4798 for further proceedings in accordance with this opinion. AFFIRMED IN PART AND REVERSED IN PART.

UNITED STATES COURT CF APPEALS FOR
THE FIFTH CIRCUIT
No. 86-4797 and 86-4798
Summary Calendar

D.C. Dkt.No.CV86-0489-L

U.S.Court of Appelas
F I L E D
Aug 27, 1987
Gilbert F.Ganucheau
Clerk

LCUELLA F.BENSON
Plaintiff-Appellant,

vs.

GLENN A. ALLY, PhD., and
FAUL ENERGY COMPANY
Defendants-Appellant,

Appeals from the United States District Court for the Western District of La.

Before POLITZ, WILLIAMS, and JONES,
Circuit Judges.

J U D G M E N T

This cause came on to be heard on the record on appeal and was taken under submission on the briefs on file.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the District Court in this cause is affirmed in part and reversed in part, and the cause is remanded to the District Court for further proceedings in

accordance with the opinion of this Court.

IT IS FURTHER ORDERED THAT each party bears its own costs on appeal.

ISSUED AS MANDATE Aug.27, 1987

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
Nos. 86-4797 & 86-4798

U.S. Court of Appeals
F I L E D
Sept. 3
Gilbert F.Ganucheau
Clerk

LOUELLA F. BENSON,
Plaintiff-Appellant,
versus
GLENN A. ALLY, PhD, ET AL,
Defendants-Appellees.

Appeal from the United States District Court for the Western District of Louisiana

ON PETITION FOR REHEARING

BEFORE POLITZ, WILLIAMS and JONES, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing filed in the above entitled and numbered cause be and the same is hereby denied.

ENTERED FOR THE COURT:

/s/ United States Circuit Judge

Clerk's Note:

See FRAP and Local Rules 41 for Stay of Mandate.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LA.

DONALD E. WALTER
District Judge
United States Courthouse
Monroe, La. 71210-

201 Jackson St.
Room 201
318 322 6230
FTS 493-6523

June 19, 1986

Ms. Louella F. Benson
6432 Montrose Street
Alexandria, Va. 22312

Re: Louella Benson v. Glenn Alley, et al., No. CV86-0489.

Dear Ms. Benson:

This office does not accept unsolicited correspondence or filings in cases pending in this Court. In the future, please direct all such filings to the Clerk's Office in Shreveport. This office will accept no further unsolicited mail concerning this matter.

Sincerely yours,

/s/ Donald E.Walter

DEW; ja

Enclosures

GLENN A. ALLY, PhD.
Clinical Psychologist
116 Oak Crest Street
Lafayette, La. 70503
Telephone 232-7236

6 March 1985

Mr. Charles Brandt
Attorney at Law
P.C. Drawer JJ
Lafayette, La. 70502

Re: Louella Faul Benson

Dear Mr. Brandt:

I have reviewed the materials which you provided me in reference to the above named individual. Said materials include sworn statements by the following individuals:

1. Mrs.Melvin Kidder - sister to Mrs.Benson
2. Mr.Melvin Kidder-brother-in-law to Mrs.B.
3. Lois F.Bearb - sister to Mrs. Benson
4. Aimee Melody Faul - niece to Mrs.Benson
5. Nell Champagne Faul - sister-in-law to B.
6. William C. Gibson - Deputy, Acadia Ph. Sheriff's Office.

In addition, there is a handwritten letter reported to have been sent by Mrs. Benson to Mrs. Melvin Kidder and dated 11/7/70.

It must be pointed out that I have not had the opportunity to interview and/or evaluate Mrs.Benson, that my impressions are based solely on the written statements provided me, and are hypotheses which should be corroborated by clinical evaluation...Speech may be adequate in amount but conveys little information because it is vague, overly abstract or concrete, repetitive, or stereotyped....

If one accepts the accuracy of the statements provided me, it would seem, based upon these documents, that Mrs.Benson suffers from a chronic psychological disorder. The symptoms suggested in the documents are most consistent with a DSM III diagnosis of Schizophrenia,paranoid type. In my opinion, there does appear to be sufficient justification to request further psychiatric/psychological evaluation.

If I can be of further assistance,please contact me.

Sincerely,
/s/Glenn A.Ally PhD.
Clinical Psychologist

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

U.S.DISTRICT COURT
WESTERN DIST.OF LA.
F I L E D
Robert E.Shemwell,Clerk

Civil Action No.86-0489
Section L May 27, 1986

LOUELLA F. BENSON
Plaintiff

Vs.

GLENN A. ALLY, Ph.D., et al
Defendants

AMENDMENT TO ORIGINAL COMPLAINT

JURISDICTION

1. Plaintiff is a citizen of the State of Va. and defendant is a citizen of the State of Louisiana. This suit is brought under diversity jurisdiction of the Federal Court. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

COMPLAINT

2. That on March 6, 1985, and continuing up to and including the date of filing of this complaint, the said defendant Glenn A. Ally was a psychologist with offices at 116 Oak Crest Street, Lafayette,La.70503,

licensed by the State of Louisiana for the practice of psychology and held himself out to the public generally as being capable of practicing his profession and meeting adequate standards of his profession in the practice of his trade, that is, abiding by the required standards and not exercising his authority to make certain diagnosis of psychological disorders on a person he never saw and who did not seek his services.

3. That in such capacity as set forth in paragraph 2 above, the defendant Glenn A. Ally, PhD., was required to exhibit the degree of caution, restraint, observation of requirements prior to attempting to make such a diagnosis or in writing his opinion, and he should have shown the degree of restraint, skill and deligence employed by the ordinary prudent practitioner in his field of speciality as governed by the rules of his profession, and not have diagnosed such psychological disorders on a

person he had never seen nor talked with. The Constitution protects one against such "long distance Labels" to force one into the "psychiatric net" in efforts to deny due process, and in view of discrediting the person and the "things that flow from such a diagnosis". The defendant should have thought and looked further prior to the stroke of his pen, and should have been governed by "accepted clinical procedures", and not labeled plaintiff.

4. That on March 6, 1985, and continuing up to and including the date of filing of this complaint, the plaintiff Louella F. Benson, was and is a resident of the Commonwealth of Virginia.

5. Said plaintiff was going about her business with her ailing husband and working as an administrative-secretary-bookkeeper, had lived away from her family for years and had earned her own living, and she had never heard of, nor did she ever seek any

services from Glenn A. Ally,Ph.D., nor does she now, nor will she ever.

6. Plaintiff requests that the Court enjoin Glenn A. Ally, Ph.D. from any involvments in the life of this plaintiff and that he be enjoined from using his authority upon plaintiff for any reason, and that his "report" be expunged and that all of plaintiff's rights be respected. This plaintiff was not under the care or treatment of any mental health professional and can verify to the Court, if necessary, that none was needed. Since Dr.Ally ignored the requirements of his profession prior to making such a diagnosis, he did not bother to note that the "affidavits" were not sworn but stated that his diagnosis opinion was based on the sworn statements, and he ignored plaintiff's provable complaints, his diagnosis-opinion is negligent and in bad faith.

7. That Glenn A. Ally, Ph.D., has never met, seen, or spoken with this plaintiff,

but on March 6, 1985, he published a report, "a long-distance label", that based upon sworn statements provided to him (which sworn statements for the most part were sworn to on March 20, or 21, 1985, and Glenn A. Ally, Ph.D's opinion and diagnosis was made and published on March 6, 1985), the plaintiff suffers from chronic psychological disorder. Glenn A. Ally, PhD., without considering the motives and/or habits, or problems of the parties making such statements, or the validity of the statements, proceeded to label this plaintiff as delusional and paranoid, schizophrenia, paranoid type, which is one of the most serious diagnosis one can make in the mental area. The American Psychiatric Association's DSM, the bible of this profession, including psychologists, requires complete evaluation of the person, extensive testings, accepted clinical procedures, personal knowledge of the person, and a three to six month period prior to making such a diagnosis.

8. This plaintiff had filed prior suits for damages for obstructions of public and private drainages, etc.,breach of contracts, general damages to plaintiff and damages to her property, and for false statements and civil rights violations, and did not place her health in controversy. After the Court denied the defendants' first motion for a mental evaluation of plaintiff in cases referred to, counsel for defendants and defendants obtained from Glenn A. Ally,Ph.D., the March 6, 1985 "report" as above-described which he published and which was circulated and used to discredit plaintiff. Dr.Glenn A. Ally's "report" was used to file a Renewed motion for mental evaluation of plaintiff and which the Court again denied and fined the defendants for filing a frivilous motion. The Court said that:

> "Federal Court is not a forum designed for the convenience of embittered relatives to wage an unchecked battle of harrassment."

The decision was affirmed on appeal.

9. The "long distance label" is defaming, discrediting, has caused plaintiff to suffer general damages of humiliation, embarrassment, harrassment and related damages and other damages to be specified upon trial of this action.

10. After plaintiff filed suits for breach of contracts, obstructions and changing of public and private drainages,etc., about Sept.1985, Charles Brandt, (counsel for defendants Lois F.Bearb, Forest Bearb and Leslie Faul, although he had never seen nor spoken with plaintiff, at some time approximately in November-December of 1985, represented untrue information about this plaintiff to her counsel at that time in Lafayette, and such information which the defendants knew was untrue and discrediting; that plaintiff was a mad woman etc.

11. On Jan. 10, 1985, the defendants, Lois F.Bearb, Forest Bearb, and Leslie Faul, represented falsely and circulated that plaintiff's psychological condition was in

controversy and which they again knew was false but which was a part of their scheme to take unfair advantage of plaintiff in business dealings concerning estate property.

12. On March 6, 1985, Charles Brandt,counsel for defendants Lois F.Bearb,Forest Bearb and Leslie Faul in above mentioned suits made misrepresentations to the Court in Opelousas, La., in writing from Lafayette in misquoting what plaintiff had said in a Court ordered telephone settlement conference the evening before, and there were subsequent misquotes and distortions by these defendants to discredit this plaintiff, to make it appear as if she had a psychological problem for their gain and to try to deny due process.

13. On March 6, 1985, Glenn A.Ally, PhD., in Lafayette, La.,wrote, signed "report", his long-distance labeling of plaintiff as delusional and paranoid, schizophrenia,

paranoid type, based upon "sworn statements" and not any of these statements were sworn statements or affidavits (except that of Melody Faul, daughter of E.J.Faul, see No.19) because they were not sworn to before March 20, 1985, or in the case of E.J.Faul, on March 21, 1985, and Glenn A.Ally,Ph.D., who has never seen nor spoken with this plaintiff, circulated this "report" as did the defendants, see Nos. 14,23 of this writing. (See also No.7 of this writing.)

14. On March 20, 1985,Lois F.Bearb published, signed and circulated an affidavit with false and hearsay statements re many years earlier and circulated it in efforts to falsely portray plaintiff and place her in the "psychiatric net" in efforts to deny her due process and to try to justify their actions and scheme to take unfair advantage of plaintiff in business dealings concerning estate property. (After the Court denied the defendants' first motion for mental evaluation,

Lois F.Bearb, et al, Forest Bearb, maliciously and in bad faith to continue the scheme, solicted affidavits from E.J.Faul and Grace Izena Kidder (two of the other heirs who had previously joined Lois F. Bearb, et al in suing this plaintiff in estate matters, E.J.Faul et al vs.Louella F.Benson, et al, 1983 CV89,191-B) and from her own son Malcolm Bearb, and from the daughter of E.J.Faul, Melody Faul, and his wife at that time Nellie C.Faul, and from Melvin Kidder, the husband of Grace Izena Kidder and from Acadia Parish former police deputy, William C.Gibson, to whom plaintiff had made a verbal telephone complaint only, re Forest Bearb in 1984, who was also a deputy in Acadia Parish,) and on March 25, 1985, Lois F.Bearb et al, and Forest Bearb circulated all of the above to the Court along with Glenn A.Ally, PhD.'s "March 6, 1985" "report", and represented that "plaintiff does not have mental capacity

to represent self", and that "plaintiff is suffering from schizophrenia paranoid type", "contention of defendants that the allegations which have been made by plaintiff are a direct and a consequential result of the mental condition of the plaintiff and not the result of any activities by defendants". (The place as to where Lois F.Bearb published her affidavit was left blank as to the parish).

15. On March 20, 1985, Izena Kidder did publish, sign and circulate an affidavit with untrue statements, and years earlier-60's on, made false, secret representations re plaintiff and repeated this to others in La., and had infact, denied plaintiff a sworn affidavit years earlier. As to place, the affidavit only shows that it was sworn to before Wade S.Faulb,La.

16. On March 20, 1985, Melvin Kidder did publish, sign and circulate an affidavit in La. with untrue statements and hearsay re

many years earlier and had infact denied plaintiff a sworn affidavit years earlier. (See Nos.13 & 14 of Amendment to Original Complaint.)

17. On March 20, 1985, Malcolm Bearb, at Lafayette,La., did sign and publish an affidavit with untrue statements re this plaintiff re 1975. (See No.16 of Amendment to Original Complaint).

18. On March 21, 1985, E.J.Faul, did publish, sign and circulate an affidavit at Lafayette, La., with untrue and hearsay statements concerning this plaintiff re years earlier, and on June 20, 1981, he did state that "he knew a doctor who would help him put plaintiff in an institution if she came to Lafayette", and that his estranged wife was working on making plaintiff a "book case", all during a long-distance call from La. to Va., during estate matters which was the last conversation between plaintiff and E.J.Faul. During the

last quarter of 1975, the last time plaintiff saw E.J.Faul which was in St.Landry Parish at the Faul estate, he stated that "what plaintiff said did not matter any more." During the estate matters since 1981, Ewell J.Faul has again made misrepresentations re this plaintiff in Louisiana, with threats and plans to plaintiff's detriment.

19. On Feb.14, 1985, Melody Faul did publish, sign and circulate affidavit with untrue statements re this plaintiff re 1977. The affidavit was signed in La. (See Nos.19 and 20 of Amendment to Original Complaint.)

20. Nellie C. Faul, did publish, sign and circulate, a statement with untruths and hearsay concerning this plaintiff and such statements were referring to years earlier. Her statement was not notarized, and the place and date were left off but the statement was circulated with defendants Lois F.Bearb, et al and Forest Bearb's

Renewed Motion for mental evaluation of this plaintiff on March 25, 1985 and on appeal of May 2, and 3, 1985.

21. On March 20, 1985, William C.Gibson, did publish, sign and circulate affidavit with false and misleading statements re this plaintiff in relating a telephone complaint plaintiff had made to the Sheriff's office in 1984, re Forest Bearb while Mr. Gibson and Forest Bearb were both deputies, and after plaintiff sued Forest Bearb. Mr. Gibson has never seen plaintiff, and left off pertinent complaint plaintiff had made.

22. On April 30, 1985, Leslie Faul did publish and circulate an unsworn statement with untruths concerning this plaintiff to the Judge in Opelousas who is ruling on the suits in estate matters for breach of contracts, obstructions and changing of drainages and etc. and a civil rights case.

23. On May 2, and May 3, 1985, Lois F.Bearb et al and Forest Bearb again presented the

false information mentioned in No.14 of this writing to the Judge in Opelousas, who is ruling on the above mentioned cases. This discreting information was circulated to the Clerk's office in Shreveport, La. also, as well as to the Magistrate in Lafayette,La.

24. On March 23, 1984, Forest Bearb, did falsely state, on plaintiff's farm in St. Landry Parish, La., that plaintiff had committed forgery in Houston and that they were working on it and would nail her, and other false statements, all in the presence of plaintiff's employees at her farm. At a time after March 23, 1984, and in March 1984 Forest Bearb, misrepresented to the person investigating above matter that this plaintiff was crazy during a telephone conversation from Acadia to St.Landry Parish, and in 1985, Forest Bearb made other false representations re plaintiff underoath.

25. All sorts of things flow from this diagnosis, it causes plaintiff to be treated

differently, it impairs relationships, it effects the plaintiff's right to own property without unwarranted interventions, it prevents a person from obtaining certain licenses, (plaintiff had plans to obtain a license to practice law), it has made this plaintiff vunerable, and it prevents one from seeking political office at any level, a constitutional right which this plaintiff had been asked to consider in the past and which she would like to be able to consider in the future. Such a label discredits plaintiff in any undertaking and it is inconsistent with life, liberty and the pursuit of happiness and it violates the rights to privacy and to be left alone.

26. Also, such a label makes one a candidate for research in certain areas and in the words of Dr.Jonas Robitscher,psychiatrist, lawyer and professor at Emory University and author of the "Powers of Psychiatry" (1980), "Psychiatry has developed so

many treatment methods that almost anything could be done in the name of therapy. A great many opportunities had developed for the abuse of psychiatric authority, but this was usually ignored..." Dr. Robitscher writes "...the act of diagnosing places a person in an inferior position and threatens his job security, family relationships, and self-concept." He warns about "extending the psychiatric net so that more people are encompassed within it" and reminds us that the holocaust had its roots in psychiatric practice which Hitler extended to "Jews, Negroes, and Mongols". "In 1939 a program of systematic killing of mental patients began under the sponsorship of Max de Crinis, professor of psychiatry at the University of Berlin, and more than a dozen other professors of psychiatry and departmental chairmen. Gas chambers and crematoria were set up in six psychiatric killing centers with a psychiatrist, "Werner Heyde, in charge of the administration of the program. By 1941, according

to a contemporary letter written by a doctor, there had been "the elimination of a few hundred thousand mental patients."

27. At pg. 343 of the Powers of Psychiatry, Dr. Robitscher writes how the stigma of mental illness was used to impair Martha Mitchell's credibility when she was indeed telling the truth. A few years back Sen.Goldwater was harmed by psychiatrists who wrote opinions concerning his "mental stability" in a report where they indicated they saw indications of personality disturbance and instability without knowing the senator and he recovered damages. Organized medicine condemned evaluation without personal examination. Donovan Ward, who was president of AMA, in an official statement for his organization said that "a physician can properly arrive at a medical opinion on the health of an individual only by following accepted clinical procedure,including personal examination of the patient."

Dr. Robitscher was critical of "long-distance" labeling and Dr.Eugene Meyer, a psychiatrist, wrote a letter to the editor of the Washington Post a while back saying that such diagnosis cannot be made without evaluation of the person, plus certain tests. In Maryland a psychiatrist was sued a few years back for writing a report saying a gentleman was "mentally deranged". Gregory Delia sued because he said the letter was in his record and that anytime he would apply for a job or whatever in the future the report would be there. (Plaintiff is in the same position.) The Maryland Court of Appeals ruled that it was litigable issue for a jury. How can the defendant psychologist justify his long distance label. As in these cases the stigma of mental illness is being used to discredit this plaintiff, deny her due process. (See No. 14.)

28. Glenn A. Ally, Ph.D. could well have looked into the contents of this plaintiff's

pleadings before he lend his name to try to bring this plaintiff into the "psychiatric net" with efforts to deny her due process without even knowing plaintiff. One visit to her property following a rain would have given plaintiff credit and perhaps he would have questioned the motives and/or problems, as applicable, of the persons who signed the "sworn statements" etc. and the validity of same, which statements were not sworn to before two weeks after Glenn A. Ally, Ph.D's opinion and diagnosis. Plaintiff had denied under oath the false "forgery" statements prior to March 6, 1985.

29. That in violation of the standards and requirements of his profession that Glenn A. Ally, PhD., carelessly and negligently lend his name, ignoring accepted clinical procedures needed, and labeled this plaintiff as having a serious psychological disorder, without knowing or ever having seen or talked with plaintiff and without regard for her

and for the standards and requirements of his profession in making such a diagnosis as above mentioned.

WHEREFORE Plaintiff asks for judgment as follows:

1. That Glenn A. Ally, Ph.D.'s report be expunged in view of the fact that he ignored the rules and standards of his profession in making such a diagnosis; this plaintiff did not and is not placing her health in controversy but is only seeking the protection of any American citizen, along with the same considerations anyone has the right to expect, without being forced into psychiatry. The defendant has defamed this plaintiff, violated her rights and in so doing he violated the rules and standards of his profession as documented in the foregoing. (underscore added).

2. That Glenn A. Ally, Ph.D. be enjoined from any involvment in the life of this plaintiff and that he be enjoined from

using his authority upon her for any reason.

3. Plaintiff seeks judgment against Glenn A. Ally, Ph.D., in the sum of $1,000,000 for his actions as aforementioned and states that she will continue to experience irreparable general damages due to the "long-distance label" which violated the rules of his profession and plaintiff's rights, and defames her.

4. That the negligence and carelessness of the Defendant as aforementioned was reckless and in careless disregard of the rights of Plaintiff and the consequences of his careless actions in defaming Plaintiff, constitutes a gross breach of the standards of his profession to the detriment of this plaintiff.

NOW THEREFORE, the Plaintiff does move for an additional judgment against the defendant for punitive damages in the amount of $1,000,000 and for all costs of these proceedings.

Plaintiff reserves the right to name others in this complaint if it becomes necessary.

/s/ Louella F.Benson
prose
6432 Montrose St.
Alexandria, Va.22312
703 256 7595

STATE OF LOUISIANA

PARISH OF ST. LANDRY

BEFORE ME, the undersigned, a Notary Public duly commissioned and qualified in and for the State and Parish aforesaid, therein residing, and the presence of the undersigned competent witness, personally came and appeared: Louella F.Benson,who upon being duly sworn, deposed: that she is the Plaintiff in the above titled and numbered petition, which she has prepared and read; that the allegations of fact therein contained are true and correct to the best of her knowledge.

/s/ Louella Faul Benson

SWORN TO AND SUBSCRIBED BEFORE ME this 6 day of March, 1986. Signed:
Sue Soileau
My commission expires at death.
(Original complaint filed on 3/6/86.)

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

U.S.DISTRICT COURT
WESTERN DISTRICT OF LA.
F I L E D

C.A.No. CV86-0489

May 27, 1986
Section L
Robert H. Shemwell,Clerk

LOUELLA F. BENSON,
Plaintiff

vs.

GLENN A. ALLY, Ph.D.,et al
Defendants

AMENDMENT TO ORIGINAL COMPLAINT

1. Amending the original complaint by adding thereto the following allegations and the following defendants:

2. Defendants Lois F.Bearb, and Lois F. Bearb, executrix of estate of Forest Bearb, Acadia Parish, La., and Leslie Faul of Calcasieu Parish, La., were at all times relevant to this complaint residing in the said parishes in the State of Louisiana.

3. On March 20, 1985, Lois F. Bearb published, signed and circulated an affidavit

in La., with false and hearsay statements re many years earlier to falsely portray plaintiff in efforts to place plaintiff in the "psychiatrict net" to deny her due process and to justify their actions in trying to acquire plaintiff's property which they aggreed to sell. Since 1979, Plaintiff visited with the Bearbs once briefly in Nov.1983 (re estate matters). No problems before plaintiff bid higher on improvements.

4. After having made false statements about this plaintiff on her farm in St.Landry Parish, La., on March 23, 1984, (that plaintiff had committed forgery in Houston and that they were working on it and would nail her, and other false statements, in the presence of plaintiff's employees at her farm), Forest Bearb, Acadia Parish Deputy (Lois F.Bearb, executrix of estate of Forest Bearb), later in March 1984 misrepresented to the person investigating this matter that this plaintiff was crazy during a telephone

conversation from St.Landry to Acadia Parish, and subsequently and in 1985, defendant made false statements under oath (some of which can be proved untrue) which are damaging to this plaintiff. Statements were made in La. Other than above incident last saw him in 1979, and only once briefly in 1983 (Nov.). No problems before higher bid by plaintiff.

5. On April 30, 1985, Leslie Faul did publish, sign and circulate unsworn statement in La., with untruths concerning this plaintiff and forwarded to the Judge in Opelousas who is ruling on the suits in estate matters for breach of contracts, obstructions and changing of drainages,etc., and a civil rights case. The false statement by Leslie Faul was furnished to help support Lois F.Bearb's false affidavit, to protect himself and for his and Bearbs' benefit. Plaintiff saw this defendant briefly in Nov.1983 (re estate matters) and has

lived away from him for years-no problems before plaintiff bid higher on improvements.

6. The above-named defendants knew that the information which they furnished and solicited was false and misleading and it was done by the defendants in bad faith and for self-serving reasons to accomplish their scheme.

7. After plaintiff filed suits for breach of contracts, obstructions and changing of public and private drainages,etc. about Sept. 1985, Charles Brandt, (counsel for defendants Lois F.Bearb, et al, Forest Bearb or Lois F.Bearb, executrix of estate of Forest Bearb), although he had never seen nor spoken with plaintiff, at some time approximately in November-December of 1984, represented untrue information about plaintiff to her former counsel in Lafayette, that plaintiff was a mad woman etc., which the defendants knew was most untrue and discrediting.

8. Instead of answering the above-mentioned complaint, the above-named defendants, on Jan.10,1985, and their counsel Charles Brandt, represented falsely to the Court and circulated that plaintiff's psychological condition was in controversy, and which they again knew was false but which was a part of their plan to take unfair advantage of this plaintiff in business dealings concerning estate property.

9. After the Court denied, the above named defendants' first motion for mental evaluation (Lois F.Bearb, Leslie Faul, and Forest Bearb or Lois F.Bearb, executrix of estate of Forest Bearb), these defendants again maliciously and in bad faith solicited affidavits from and conspired with E.J.Faul and Grace Izena Kidder (two of the other heirs who they knew had to obtain treatments for addictions and who had joined them in suing this plaintiff in estate matters. (E.J.Faul et al vs. Louella F. Benson et al, 1983,CV89,191-B Opelousas,La.) and

from Malcolm Bearb, the son of the defendants Bearb, Melody Faul, the daughter of E.J.Faul, Nellie C.Faul, one of E.J.'s former wives, from Melvin Kidder, the husband of Grace Izena Kidder, and from former police deputy, William C. Gibson, to whom plaintiff had made a verbal telephone complaint re Foreest Bearb in 1984, who was also a deputy in Acadia Parish, and on March 25, 1985, Lois F.Bearb et al as above named, circulated all of the above to the Court along with Lois F.Bearb's affidavit and Glenn A. Ally, Ph.D's March 6, 1985 "report"(see Nos. 7, 13 of complaint) (whom they employed) and represented to the Court who is presiding in above mentioned suits that "plaintiff does not have mental capacity to represent self", and that "plaintiff is suffering from schizophrenia paranoid type", "contention of defendants that the allegations which have been made by plaintiff are a direct and a consequential result of the mental

condition of the plaintiff and not the result of any activities by defendants". See No. 6 (Plaintiff has evidence that allegations in her complaints are true.)

Plaintiff has represented herself successfully in a case where she was a victim of forgery and fraud.

10. On May 2, 3, 1985, Lois F.Bearb, et al and Forest Bearb or Lois F.Bearb executrix of estate of Forest Bearb, in their past and on-going abuse of process, again presented the above-mentioned false and misleading information afore-mentioned to the Judge in Opelousas who is ruling on the above-described cases, as well as to the Clerk in Shreveport and to the Magistrate in Lafayette, La. The defendants again circulated this false and mis-leading information after they had been told in writing this time, by plaintiff's affidavit of April 12, 1985, that she does not have the mental problems as had been verified by full

evaluations and scientific objective psychological tests which she had volunteered for, after she was confronted with government and police affiliated doctors in Cardiac Care after a prob. I.M.I. had been diagnosed. Clearly, the actions of the above named defendants were again done in bad faith as is evident by the stipulation letter in CV84-2541 signed by their counsel and filed on Feb. 21, 1986, in which Lois F.Bearb and Leslie Faul are asking the Court to rule as to "Whether there was a meeting of minds regarding the subject of the contracts to sell"; whether there was a concurrence to sell", whether the improvements are movable or immobable", after their 1983 agreements which were apparently to trick plaintiff into signing the partition (when they sued plaintiff) in view of their past and present actions, their having asked for and received almost $40,000 from plaintiff in Nov and Dec. of 1983, the fact that they, like

all the other heirs, had an opportunity to bid on the improvements after the partition was signed and they did not, and that plaintiff with their agreements not only purchased the improvements but the land where the improvements are, and that Lois F.Bearb et al are still trying to breach their agreements, including "movable" improvements.

11. As the affidavits were solictied in bad faith, they were given in bad faith which amounts to "harrassment by embittered relatives" to help the defendants in estate matters, and as further described below:

12. Grace Izena Kidder and Melvin Kidder, of St.Landry Parish, La. were at all times relevant to this complaint residing in St. Landry Parish, La.

13. On March 20, 1985, Grace Izena Kidder, did publish, sign and circulate an affidavit with untrue statements, and years earlier-60's on, made false, secret representations re plaintiff, including false secret statements concerning this plaintiff having

committed forgery and repeated and circulated this and other false information to other family members in La. and infact, plaintiff was denied a sworn affidavit years earlier when she tried to pursue her rights. March 20, 1985 affidavit only shows that it was sworn to in La.

14. On March 20, 1985, Melvin Kidder, did publish, sign and circulate an affidavit in Louisiana with untrue and hearsay statements re many years earlier and as in the case of his wife Izena, plaintiff had been denied this sworn affidavit years earlier when she tried to pursue her rights. The March 20, 1985, only shows that it was published in La. This plaintiff has not visited the Kidders in over 20 years, after her daughter was born and last saw them over 15 years ago when they came at her parents' estate.

15. Defendant Malcolm Bearb, son of the Bearb defendants, resides in St. Landry

Parish, and was at all times relevant to this complaint residing in St.Landry,Ph., La.

16. On March 20, 1985, Malcolm Bearb, at Lafayette, La., did sign and publish an affidavit with untrue statements regarding this plaintiff re ten years earlier in 1975 to help his parents falsely portray this plaintiff as being insane. There had never been any problems between this defendant and plaintiff prior to the estate problems with his parents and plaintiff (and her husband) were again invited to have dinner with Malcolm and his family about five years ago which was the last time he had seen plaintiff.

17. Defendants Ewell J.Faul (E.J.) and Faul Energy Company, Nellie C.Faul, Aimee Melody Faul, Lafayette, Parish, La., were at all times relevant to this complaint residing and/or operating in Lafayette, Parish, La.

18. On March 21, 1985, E.J.Faul, (Faul Energy Company) did publish, sign and circulate

an affidavit at Lafayette, La., with untrue and hearsay statements concerning this plaintiff re years earlier to help defendants Lois F.Bearb, et al, Forest Bearb or Lois F. Bearb, executrix of estate of Forest Bearb. On June 20, 1981, Ewell J.Faul did state that "he knew a doctor who would help him put plaintiff in an institution if she came to Lafayette", and that his estranged wife was working on making this plaintiff a "book case", all during a long-distance conversation between plaintiff and E.J.Faul. During the last quarter of 1975, the last time plaintiff saw E.J.Faul, which was in St. Landry Parish at the Faul estate, he stated that "what plaintiff said did not matter any more." During the estate matters since 1981, Ewell J. Faul has again made misrepresentations re this plaintiff in La. with threats and plans to the detriment of plaintiff.

19. On Feb. 14, 1985, Melody Faul did

publish, sign and circulate an affidavit with untrue statements re this plaintiff re 1977 when this plaintiff last saw her and helped her when she left New York. The affidavit was signed in Louisiana, the parish not stated. There had never been any problems with Melody. She proved to be inconsiderate and irrogant, while in plaintiff's home in 1977 after she had described the drug related environment she was in in New York before visiting Va., on her way home to Lafayette-after she gave up on being an actress. In 1985, she published her "affidavit" to help the defendants in estate matters and her father was one of the heirs with provable estate plans of his own, for his benefit and the deteriment of plaintiff.

20. Nellie C. Faul, former wife of E.J.Faul, and mother of Melody Faul, did publish, sign and circulate, an unsworn statement with untruths and hearsay concerning this plaintiff and such statements were referring to years

earlier. The place and date were left off but the statement was circulated and represented as a "sworn statement" with defendants Lois F.Bearb, et al and Forest Bearb's Renewed Motion for mental evaluation of this plaintiff on March 25, 1985, and on appeal of May 2, and 3, 1985, to the Court now ruling on original suits. Nellie admitted that she and Melody had gone to New Orleans, in 1977 and repeated Melody's misrepresentations and in 1981, E.J. Faul told plaintiff over the phone that Nell was working on making this plaintiff a "book case". Nell admits to not having seen this plaintiff for years and she produced copy of a perfectly good letter which plaintiff wrote her in 1977 explaining how Melody had been inconsiderate. Perhaps Nell would have been justified in making a book case out of the problems in their own immediate family. This plaintiff last saw Nell at Christmas 1975, at which time presents were exchanged and there had never been any problems.

21. Defendant William C. Gibson, (former deputy of Sheriff, Acadia Parish), Acadia Parish, La., was at all times relevant to this complaint residing in Acadia Parish, La.

22. On March 20, 1985, William C.Gibson, did publish, sign and circulate an affidavit with false and misleading statements re this plaintiff in relating a telephone complaint plaintiff had made to the Sheriff's office in 1984, re Forest Bearb while Mr. Gibson and Forest Bearb were both deputies in Acadia Parish, and after plaintiff sued Forest Bearb. Mr. Gibson's affidavit was given in bad faith; he has never met plaintiff and left off pertinent complaint plaintiff had made to him re the false forgery statement and threats by his co-deputy, Forest Bearb.

23. All of the defendants knew the information they were submitting was false and mis-leading. The "affidavits" and statements were submitted in bad faith with

malicious disregard for the truth to help the original defendants Lois F.Bearb et al, and Forest Bearb, or Lois F. Bearb et al, and Forest Bearb, or Lois F.Bearb, executrix of estate of Forest Bearb with their scheme and to aid the doctor in arriving at and in supporting the "long-distance label".

24. On March 6, 1985, Charles Brandt, counsel for defendants Lois F.Bearb, Leslie Faul, Forest Bearb or Lois F.Bearb, executrix of estate of Forest Bearb, in breach of contract, obstructions and changing of drainages etc., and civil rights suits, made misrepresentations to the Court in Opelousas, La., in writing from Lafayette in misquoting what plaintiff had said in a Court ordered telephone settlement conference the evening before (March 5, 1985) and there were subsequent misquotes and distortions by these defendants, in bad faith to discredit this plaintiff and make her appear as if she had a psychological problem to fit their "long-

distance label" for their gain and to try to deny plaintiff due process. Above information was presented to the Judge ruling on the above-mentioned cases against Lois F. Bearb et al, CV84-2541 and Forest Bearb et al CV84-2540.

25. Additionally, since 1981, Lois F.Bearb, Leslie Faul and Forest Bearb, or Lois F. Bearb executrix of estate of Forest Bearb, in La., have made misrepresentations concerning this plaintiff to accomplish their scheme and to plaintiff's detriment.

26. During the estate matters, Leslie Faul had threathened plaintiff with the problem plaintiff had had with Grace Izena Kidder many years earlier (and in which she had been denied the sworn affidavits years ago when she tried to pursue her rights after having been a victim,) in efforts to make plaintiff sign the partition, so that he and Lois Bearb could have the very best and at their price with "no bids". Lois F.

Bearb, Leslie Faul, Forest Bearb or Lois F. Bearb executrix of estate of Forest Bearb have tried to use this against plaintiff in 1985, because plaintiff insisted upon bidbing on the improvements of her deceased parents, and after plaintiff had been denied due process many years earlier.

27. In addition, the defendants, Lois F. Bearb, Leslie Faul, Forest Bearb, or Lois F. Bearb, executrix of estate of Forest Bearb, fraudulently sought to use the false diagnosis of Defendant Ally (and which they all knew was false) in a scheme to take unfair advantage of plaintiff in business dealings concerning estate property and published and circulated the false and discrediting information which they produced and solicited in bad faith, and knowing it was false to pursue their scheme, thus they should not be allowed to use the privilege claims where it might have been applicable in some areas except for their

obvious and provable bad faith and for their selfish and unconscionable provable actions. (See 1 and 10 of this writing.)

28. The Plaintiff represented that she had voluntarily submitted to many psychological tests and complete evaluations, all of which verified that she does not have the mental problems and that no treatments nor therapy were recommended by doctors who completely evaluated and tested her, that she felt she had earned the right to be left alone by psychiatry and her family and she had infact published a psychiatric will and objected to any interventions or treatments by psychiatry, and added that she was the only one who could prove that she does not have the mental problems but that she did not and does not have to prove it to the defendants.

29. The affidavits, statements and information given by the defendants were false and misleading and in reckless disregard of the truth and of plaintiff's rights, some

of the false statements were hearsay, and the diagnosis and "long-distance label" of plaintiff by Defendant Ally without even knowing or having talked with plaintiff was likewise false, misleading, in violation of accepted clinical procedures, and in reckless disregard of the truth and rights of this plaintiff. All defendants knew or should have known that such false psychological labelling would cause plaintiff the damages herein set out.

WHEREFORE, plaintiff demands judgment against the additional defendants, jointly and in solido with Defendant Glenn A.Ally in the sum of $1,000,000 and for the further relief prayed for in plaintiff's original complaint. Plaintiff reserves the right to name others should it be necessary.

Respectfully submitted,

/s/ Louella F. Benson, pro se
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

STATE OF LA.
PARISH OF ST. LANDRY

BEFORE ME, the undersigned, a Notary Public duly commissioned and qualified in and for the State and Parish aforesaid, therein residing, and the presence of the undersigned competent witness, personally came and appeared; Louella Faul Benson, who upon being duly sworn, deposed; that she is the Plaintiff in the above titled and numbered petition, which she has prepared and read; that the allegations of fact therein contained are true and correct to the best of her knowledge.

SWORN TO AND SUBSCRIBED BEFORE ME this 14 day of March 1986. /s/ Ronald I.sp.
Notary Public

Commission expires at death.
(Original complaint as to these defendants was filed on 3/14/86.)

A-100

County of Fairfax

State of Virginia

I, Louella F. Benson, duly sworn, deposes and says underoath:

I am an administrative secretary bookkeeper and have worked with my husband for twelve yrs., who is a professional in the above-mentioned state and county. I have lived outside of Louisiana for over 30 yrs. and I have worked in the business world for 35 yrs. and have been completely independent from my family and anyone else for 35 yrs.

In response to the unsworn statement of 1985 by Defendant Nellie C.Faul which has never been sworn because she is aware of the untruths, I incorporate my rebuttal 1985 (4/12/85) found at exhibit 1 attached along with a copy of the 1977 letter I had written Nellie C.Faul after her daughter Melody asked to visit plaintiff and her husband while Melody was in New York after high school to become an actress. Defendant Melody Faul is the daughter of Defendant

E.J. Faul who had plans in 1981, as shown by his letter of 10/23/81, to take complete control of the Faul estate after my parents died, and only let back in those he wanted to and to completely control the mineral interest, and Nellie C.Faul is the Mother of Melody and the first ex-wife of Defendant E.J. Faul, both of whom stood to gain by their husband and father's efforts to obtain the property, and infact in Sept. of 1987, Defendant E.J.Faul, with the help of their counsel, did attach my farm and remodeled house and improvements in La. for $100,000 after I spent $30,000 on improvements and which was the same property they planned to obtain in 1981, while Defendant Executor Leslie Faul at that time wrote to me in response to my 10/29/81, bid on 11/7/81 "No Bids" " I have already <u>won it</u> and will fight you in the Courts and <u>otherwise</u> to keep you from getting it." underscore added. The "otherwise" are efforts to use

prior abuses and untruths in efforts to railroad me and obtain the property. E.J. Faul and other heir defendants in subject case sued me in 1983, after I insisted on bidding on the improvements of my parents; the suit was dismissed after I was given agreements and took losses in view of same but the agreements were tricks to make me take losses and sign the partition;e.g. they agreed that I would have full use of the road but unknowingly to me they secretly planned to destroy and move the road and they "covered up the existing drainages". Three of the other heirs were not informed of their plans to destroy the road secretly since 1981.

I also incorporate my rebuttal of Melody Faul's 1985 affidavit which I swore to on 4/12/85, and that of my husband's Joseph L. Benson and friend since high school, Joanna B. Miller's affidavits found at No.2. Note that my husband also rebuts Melody's affidavit.

I also incorporate my rebuttal affidavit of 4/12/85 to the affidavit of Defendant Malcolm Bearb of 1985 and which defendants have attached in support of their Motion for Rule 11 sanctions, with Melody Faul's untruths underoath and her Mother's unsworn untruths instead of the untruths and hearsay untruths underoath by Defendants E.J.Faul and the other defendant heirs who were involved in the fradulent scheme to take unfair advantage of plaintiff in business deal and then to discredit her to deny her due process in all cases while Defendants Lois F.Bearb, Leslie Faul, Deputy Forest Bearb and their counsel filed secret misrepresentation in March 1986 in related cases and which affects all cases, not made available to plaintiff before after victories in 1987. I incorporate my rebuttal affidavits re the other defendants too attached at Exh. 1 with attachments in view of some of the gross untruths in their motions

for Rule 11 Sanctions and their use of two of their sibling to try to discredit this plaintiff with gross untruths.

As to Defendant Malcolm Bearb, it should be stated that he too stood to gain by the actions of the defendants in related cases because he is the son of Deputy Bearb and Lois F. Bearb defendants, and he Maloclm who lives in front of plaintiff's farm was trying to buy her interest before her Father died. Too, there is evidence by his own Mother, Lois F.Bearb that Malcolm Bearb helped to destroy and move the road (when the ditches were covered up, and plaintiff had taken losses because of the heir defendants' agreements that she would have full use of the road, and which was the only road to her property at the time of the agreements when her property was enclosed.) Lois F. Bearb said underoath that her husband Dep.Bearb, her sons Malcolm and another son helped with the moving of the road,

(all secretly from me inspite of agreements and it was then that the drainages were "covered up". Malcolm Bearb was not an heir in Faul estate; neither was his father Dep. Bearb from Acadia Parish.

At no time was it ever mentioned to me that the road would be moved, nor at any time did I indicate such a thing to anyone, but the defendants had agreed that I would have full use of the road and for which plaintiff met their increased amounts for improvements. As shown by the letter from Eura F.Granger, in the record of 11/7/83, plaintiff's sister, the defendants had agreed that plaintiff would have use of the road even after Eura F.Granger decided to divide her property at that time and not sell it as shown with exhibit at No.7-g attached. Eura F. Granger and still another sister and brother who opted to sell their interest to me did not know of the secret plans to destroy the road.

On 3/23/84, Deputy Bearb had trespassed upon my property in St. Landry Parish outside his jurisdiction and accused me falsely of forgery that they were working on it and would nail me while Bearbs were trying to obtain my property. All of his statements were false. I have never committed forgery and I have never indicated any such thing to anyone, but this secret untruth had been kept secretly from me by family defendants for many yrs. until I had money to buy property which belonged to my parents in 1984 when Dep. Bearb falsely accused me and which property they wanted.

After denying affidavits to my lawyer many yrs. ago for the abuses of Defendant Izena Kidder et al who did not want me at the home of my parents after I had a child out of wedlock, in 1985, Dep.Bearb, Lois F. Bearb, Leslie Faul, conspired with Kidders, E.J.Fauls and the sibling of Bearbs, Malcolm, and that of E.J. and Nellie Faul,

Melody, and trumped-up "affidavits" with untruths and hearsay untruths, use of past abuses to try to cover-up their actions and deny me due process, and only at that time in 1985 did Izena Kidder come up with untrue insinuations as to me having committed forgery. I have never committed forgery nor any crimes and I have never indicated any such thing to anyone. Izena Kidder was hospitalized for prescription drug addiction; Defendant E.J. Faul was hospitalized for alcoholic addiction. I was told about a couple of yrs. ago or so that he was jailed after having made serious threats to his second x-wife in Lafayette. Defendant Leslie Faul said he would hit me with post-hole digger if I went on his property but he sent people on mine. Was told Dep.Bearb said he would "slap me" if I went on his wife's property but he trespassed on mine. Defendants have never come up with any forgeries inspite of contacting my prior employers to inquire about my having committed

a forgery I was told-and Dep.Bearb was cute and changed the word forgery to perjury when confronted underoath. His counsel wrote he discarded Dep.Bearb's affidavit. See Exh.12 attached.

I did have to go out and earn a living for many yrs. with the false forgery secretly over my head which I managed to do as a secretary bookkeeper-administrative work, inspite of the family defendants. I was the victim of fraud and forgery after a lawyer forged two of my initials on a contract I had never seen in efforts to justify fraud. I sued him prose and won on both counts and on appeal - with discovery.

The crazy stuff which is found in the "affidavits" of Melody Faul, and Malcolm Bearb, and statement of Nellie C.Faul,provided for Sanctions of fraudulent scheme of their parents and husband at that time as documented was engineered in 1985 in efforts to use past abuses and railroad me.

Their malicious bad faith statements are most untrue. See interrogatories they refused to answer.

I had never heard of some of the new uses of technology before such things as lasers were first mentioned by government affiliated doctors Aug. 1977. In 1978, Spooks was published by Jim Hougan, see excerpts in record re some of the astro stuff he described re the LaSalle Bldg. where we rented offices until Sept. of 1977 after I became sick from verified chemicals (by others) in the building where we leased offices. I did complain about the chemical odors as did others, Robert Parish, and my husband for starts and a woman who ended up missing later, and I had chest pains, stomach problems and dehydration, and subsequently a heart injury and prominent septal depolarization which was covered-up, after a prob. I. M. I. had been diagnosed. (I know just when I had the heart attack in

the LaSalle.) My husband developed cancer there and I did not get medical care--I have gotten on-going harrassment and abuses with unwarranted interventions. We had never heard of such things while in LaSalle Bldg.

I purchased the book Spooks in 1978, and some of the defendants had borrowed it for a while and which refers to some of the wild stuff in the affidavits of 1985 by Malcolm Bearb and Melody Faul but at no time did I say any such crazy stuff to anyone. See the very nice letter from the Bearbs to me in 1979 when Dep. Bearb had his first by-pass at No. 8 attached. When I insisted upon bidding on the porperty the defendants wanted, they used prior abuses to try to railroad me. See excerpts from Spooks attached published after we moved out of LaSalle.

In 1980, The Powers of Psychiatry was published by Dr. Jonas Robitscher, lawyer,

professor of psychiatry in which he refers to the marriage of the police with psychiatry and technology, and warns that almost anything is done in the name of "treatment".

In 1979, Paul Boudier, a Boston scientist published about the Navy's studies with animals and depolarization and warned of other possible exploits.

In Dec. of 1983, the Washington Post published an article re Chinese Psychiatry's Belated Spurt Mixes Acupuncture, Herbs and Lasers, and describes Laser beams used to treat mental patients for schizophrenia, and adds that China is using "a combination of traditional Chinese and western measures for treating it". This plaintiff had never heard of such things as lasers or beams before it was first mentioned by police and government affiliated doctor, who she had never seen before cardiac care. Plaintiff did learn in 1986 that the government affiliated cardiologist had lost a basket

ball player patient just before he saw her in Cardiac Care and he had not passed the board cardiology test, but he was affiliated with the Justice Dept. and other government agencies at that time, police.

There are hard facts to show that I complained of and became sick from chemicals in the LaSalle in 1977 and was treated for exposure 3 mos. before the M.I. I knew nothing of the technology or such things as lasers in 1977 as afore explained. About two yrs. ago, I learned that there are such things as chemical lasers. One of the non-government affiliated doctors who I went to after the heart injury told me the building (LaSalle) had been condemned. He was a psychiatrist I went to after the government affiliated doctor in CCU in the middle of the night (a few mins.) who said when confronted he had not made any diagnosis. The non-government doctor who said the building was condemned also said I do not have the

mental problems. It was just one visit and he did not have me go back nor did he recommend any treatments for anything. But I did not stop there. I later went to another one and who after three sessions and batteries of psychological testings by a psychologist, these two mental health professional said I do not have the mental problems and do not need treatments.

Subsequently I published a psychiatric will that I want to be left alone by psychiatry and my family and written in my hand on 9/2/84, signed before witnesses after having ruled out the need for psychiatry with objective scientific facts by the porper professionals, (two highly regarded psychiatrists and one highly regarded psychologist), and which tests are designed to "look under the mask", and accepted by the Courts of this land as objective scientific evidence-uncritically.

The untruths re any violence by me are totally false. See plaintiff's rebuttal affidavits at Exh. 1 of the hearsay and hearsay untruths by the defendants over 30 yrs. after plaintiff has not been living in La. or around them and who were trying to obtain her property which E.J.Faul with prior plans as described-has finally attached in Sept. of 1987, and who was helping the defendants for frivolous motions in related cases which subject cases derived from. See also plaintiff's husband's affidavit at No. 2 with that of Joanna B. Miller's, and Exh.19 attached, affidavit with results of plaintiff's psychological tests and which also revealed that plaintiff is slow to anger.

I have not lived around these people for many yrs., and I am not responsible for the problems of those with histories of addiction or for those using others with such problems or anyone to try to cover up their actions. Upon information and belief, Lois

F.Bearb has had deep-seated problems for a long time, and thus, as a result she was spoiled into doing what she wanted and getting the creme of the crop without regard for others since before she married at 16. She uses others and she too has demonstrated that she can lie to untruths and hearsay untruths, and other untruths. Also she said underoath I am suppose to drain on her but she has been flooding my property since they moved the road and covered up the drainages. She too said underoath that I had use of the road. After all the losses I took in view of their agreements, I am left with no road.

Leslie Faul's (executor), counsel wrote he discarded Def. Leslie Faul's affidavit because it did not meet his standards. All defendants have refused to answer all interrogatories.

All statements in my affidavit are correct in accordance with my best knowledge, information and belief.

Sworn and subscribed before me the undersigned authority, this 27 day of July 1988.

/s/ Louella F. Benson

STATE OF VIRGINIA

COUNTY OF FAIRFAX

Thimoty S. Miles
Notary Public

My Commission expires Dec. 8, 1990.

To all members of the fimily,

I, Ewell J. Faul, plan to call for a public auction of the property that we jointly own in St. Landry Parish no later than November 15, 1981, if a unanimous decision cannot be reached by all parties as of that date.

I plan to be at that auction and to purchase this porperty in my name and I will allow no one to back in for their share unless I so desire.

I also plan for this sale to include all mineral rights attributable to the property and whoever is successful in purchasing the property will be in total control of its disposition.

October 23, 1981 s/ Ewell J. Faul

Witnessed by: Nellie Champagne Faul

4-005398S302002 10/29/81 ICS IPMBETZ CSP

FCHC 1 7052567595 MGM TDBW ALEXANDRIA VA

10-29 0753A EST (underscore added)

JOSEPH L. BENSON, LOUELLA
6432 Montrose St.
Alexandria, Va. 22312

THIS MAILGRAM IS A CONFIRMATION COPY OF

THE FOLLOWING MESSAGE:

703256 7595 TDBN Alexandria, Va. 43 10-29

0753A EST FOR 318 528 2151

LESLIE FAUL COPY MESSAGE, RUSH PHONE

IMMEDIATELY
528 PATTON ST.
SULPHUR, LA. 70663

PLEASE FORWARD COPY OF LEASE, EURA AND

I HAVE COME TO AN AGREEMENT. I HOPE YOU

AND I CAN REACH AN UNDERSTANDING ON THE

HOUSE, THAT IS THE ONLY THING PREVENTING

THE STRIPPING, IF NOT, AM SUBMITTING A

FORMAL BID OF $17,000. LOVE
LOUELLA

0757 EST

MGMCOMP MGM

November 6, 1981

"If the surveyor's find that the house is all on my land, I will hold everyone to the agreement 9 of us made NO BIDS. I have already won it and will fight you in the courts or otherwise to keep you from getting it."

s/ Leslie Faul

(sent to Louella F. Benson by Respondent Leslie Faul on back of copy of letter to Norman P. Forest, Esq., Bx. 2700,Lafayette, La. and signed by Leslie Faul)

Note by Benson:

Untrue--two other heirs had also refused to sign the partition.

"Otherwise" is the subsequent long-distance label and prior abuses and secret processes and on-going.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF LA.
F I L E D
APR 25 1985
ROBERT H SHEMWELL, CLERK
By Ruw, Deputy

LOUELLA F. BENSON

VERSUS CIVIL ACTION 84-2541

LOIS BEARB SECTION: O

AND

LOUELLA BENSON

VERSUS CIVIAL ACTION 84-2540

FOREST BEARB SECTION:O

RULING

Before the court are defendants' motions for an order to require Louella Benson to submit to a mental examination under F.R.C. P. Rule 35(a).

On December 3, 1984 defendants filed their initial motion to compel Louella Benson to submit to a mental examination. By minute entry dated January 17, 1985 I denied this motion on the basis that

defendant had failed to make an affirmative showing both of "good cause" and that Louella Benson's mental condition was "in controversy", as required under F.R.C.P.Rule 35. On January 15, 1985 plaintiff in turn filed a motion to require defendants to submit to a mental examination under any applicable law. By minute entry dated March 29, 1985 I denied plaintiff's motion and entered an award of $100.00 against plaintiff for her frivolous claim.

On March 26, 1985 defendants filed this renewed motion to require Louella Benson to submit to a mental exam under F.R.C.P. 35(a). In support of a "good cause" and "in controversy" finding, reasons are stated as follows:

> Defendants feel the plaintiff does not have the mental capacity to proceed with this suit. Second, defendant will assert as a defense to this claim, that the petitioner is suffering from a mental condition known as schizophrenia, paranoid type. (emphasis added)

Clearly, these allegations fail once again to meet the "good cause" and "in

controversy" requirements of F.R.C.P.Rule 35(a). The rule requires that the moving party show "good cause" and that the condition to be examined is "in controversy". I refer counsel to my minute entry dated Jan. 17, 1985. My reasoning remains unchanged.

All parties in this suit should be aware of the court's growing impatience with the barrage of the innumberable, redundant and frivolous claims filed in the form of motions, letters, and pleadings and intended solely for purposes of harrassment and retaliation. Federal court is not a form designed for the convenience of embittered relatives to wage an unchecked battle of harrassment.

Therefore it is hereby ORDERED that defendant's motion to require Louella Benson to submit to a mental examination is DENIED.

It is FURTHER ORDERED that a sanction of $50.00 be entered against each defendant in favor of the plaintiff under Rule 37 FRCP.

Further frivolous motions will invoke contempt sanctions against the parties in accordance with this order.

Lafayette, Louisiana, this 22nd day of April, 1985.

MILDRED E. METHVIN
United States Magistrate
Copy sent
Date 4-23-85
By Row
To: Benson
Brandt

Ruling affirmed by the Honorable John M. Shaw on June 19, 1985 United States District Judge-Western District of Louisiana

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

LOUELLA F. BENSON C.A.No.CV86-0489
Section L

vs. plaintiff

GLENN A. ALLY, PhD.,et al
defendants

THIRD SET OF INTERROGATORIES
TO LOIS F. BEARB

TO:
Lois F. Bearb
Through her attorney of record:
Charles Brandt, Esq.
300 B Stewart Street
Lafayette, La. 70501

Interrogatories are being sent for Defendant Lois F.Bearb through her attorney of record, to be answered fully in writing by her and underoath within (15) days in accordance with F.R.C.P.

1. Were you in Lake Charles La. during the week of Feb. 1-5, 1988, and did you at anytime (including prior to that date) talk about me to the La.State Troopers or with anyone in any way involved in trial against

the State of La. et al, and if so state who, when, give address.

2. Did your attorney or anyone you know of intervene in above LC case in anyway, and if so please give names and addresses of those involved.

3. I was informed that you have a friend by the name of Melanson; Is he in any way related to the Melanson with Public Safety-Technical Services in Baton Rouge, State of Louisiana Police?

4. Did you or anyone you know of have anything to do with the breakin to my house and if so give full details, names, and addresses of anyone involved?

5. Produce in writing copies of any information made available to the Court in subject case in support of Motion for Mental Evaluation, and if it was based solely on my complaint, please so state, and if there were any interveners in subject case for

any reason, give complete details, names, addresses.

6. State if you have in anyway whatsoever intervened in my life for treatments of any kind, and if so please give the dates, the persons from whom you sought interventions and under what authority were the treatments dispensed and for what?

7. Do you have objective scientific evidence showing that you are sane, and if so give the date and name of the doctor who certified to same?

The above interrogatories are continuing and the party responding to them is under the duty to supplement her responses to include information thereafter required.

s/ Louella F. Besnon,
prose
6432 Montrose Street
Alexandria, Va.22312
703 256 7595

I certify that the original and a copy of the foregoing are being mailed certified on April 2, 1988, to Charles Brandt,Esq., 300 B Stewart St.,Lafayette,La. 70501.

s/ Louella F. Benson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F. BENSON — CIVIL ACTION

VS. — No. 86-0489

GLENN A. ALLY, PhD, MALCOLM BEARB, GRACE IZENA KIDDER, MELVIN KIDDER, LOIS F. BEARB, EWELL J. FAUL, FAUL ENERGY CO., NELLIE C. FAUL, AIMEE MELODY FAUL and LESLIE FAUL

JUDGE WALTER
MAG. METHVIN

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF ACADIA

BEFORE ME, the undersigned Notary Public, personally came and appeared WILLIAM C.GIBSON, who upon being duly sworn did depose and say:

"In March of 1984, I was employed as a Deputy Sheriff of Acadia Parish, Louisiana. Sheriff Elton A. Arceneau, now deceased, was the Sheriff of Acadia Parish, La., in March of 1984. During this period of time, I was working as a dispatch officer, answering the telephone and noting complaints.

While working as dispatcher, I received a telephone call from Louella F.Benson

regarding some action by her brother-in-law, Forest Bearb, who is now deceased, and who was then also a Deputy of the Acadia Parish Sheriff's Department. Although I have no independent recollection of this telephone call, I did make a notation in our telephone log in accord with our usual practice and was not responsible for any further action on the matter. I was not commissioned as an investigating officer or detective; however, I did make note that the alleged action took place in St.Landry Parish, Louisiana, clearly beyond the territorial jurisdiction of the Acadia Parish Sheriff's Office.

I have at no time ever made any statement, sworn or otherwise, regarding the mental condition of Louella F.Benson. I have not submitted any reports, affidavits or any other type of information to Glenn A. Ally, Ph.D.

All of the statements contained in this Affidavit are correct in accordance with my best knowledge, information and belief."

/s/ William C. Gibson

SWORN TO AND SUBSCRIBED before me, Notary Public, this 7th day of July, 1988, at Lafayette, Louisiana.

/s/ A Lee (sp)
NOTARY PUBLIC

STATE OF LOUISIANA

PARISH OF

Before me, the undersigned authority, personally came and appeared William C. Gibson, of the full age of majority who, after being sworn, did depose that:

Sometime in March of 1984, while I was employed with the Acadia Parish Sheriff's office as a deputy, I received a telephone call approximately 9:00 at night from a woman who said she was calling from Alexandria, Va. The woman wanted to speak with the Sheriff, who was not in at that time of night. I explained that she would have to call back in the morning to speak with the Sheriff. She said she would talk to me about it anyway. She stated that she wanted to report her brother-in-law, who was a deputy with Acadia Parish, and that his name was Forest Bearb. I asked the nature of the complaint and she stated that she and her sister (Mr. Bearb's wife) were joint owners

in some land and were having trouble dividing the property and that Mr.Bearb went to the property and ran off some surveyors that she had working there. I then explained to this woman that I was not the person to talk to about this and she should call back the next day. She said that was alright, that she wanted to talk to someone about it and then proceeded to tell me her life story and all the troubles she had. I tried, without success many times to get her off the telephone. Since I was working the radio as dispatcher and taking all incoming calls to the office, I had to put her on hold many times. Sometimes she would be on hold for five minutes, but did not hang up. I had an uncomfortable feeling about the woman's state of mind. Everything she told me was repetitious throughout the conversation. Finally, after what seemed to be about forty-five minutes, I had had enough and I told her I was going to have

to cut her off. She acted as if she had not heard a word I said and kept on talking. I then hung up on her.

The next day I saw Mr. Bearb and asked him if this lady was mentally unbalanced. I told him of the conversation and he said "don't worry about it." I've known Mr. Bearb for about ten years and have never heard anyone say anything bad about him. Everyone who has known him thinks he is the best. About the time this phone call took place, he had received the American Legion award for outstanding lawman of the year.

/s/ WILLIAM C. GIBSON

SWORN AND SUBSCRIBED BERORE ME, the undersigned authority, this 20th day of March, 1985.

/s/ W S Faulk (sp)
NOTARY PUBLIC

Note by L.F.Benson:

In my opinion there are heroes during the years of horror, but they are not the ones whose affidavits were destroyed or

"gaurdian" of the system who would accuse a person falsely of a crime kept secret from her and threathen her with false arrest.

The heroes are the people who had the courage to tell the truth; the Faul estate neighbors Lee Hanks and Curley Leger who have known all the family for many years; my experts S.J. Langlinasi, engineer-professor; Ken Katsaris--highly educated police expert; Robert Paris, the mailman in the La-Salle Building with a "mailbag full of courage and truth", Ms. Baliff, the RN who was harassed for telling the truth, and my dear husband Joseph L. Benson as shown herein and for standing by me and telling the truth as did my nephew Mark Faul.

STATE OF VIRGINIA

COUNTRY OF FAIRFAX

In response to the Affidavit of William C. Gibson, I Louella F. Benson, duly sworn, deposes and says:

Mr. Gibson writes that he was employed with the Acadia Parish Sheriff's Office as a deputy in March of 1984, when I called the Sheriff's Office but he completely failed to say what I said. First, Mr. Bearb's wife and myself were not joint owners in some land as he states, so I am certain I did not say that. (Lois and Leslie legally divided Tract 3 in January 1984, which is the land I purchased from Leslie Faul.)

My telephone bill for April 1984 (A-139) shows that on March 27, 1984, at 8:09 Eastern time (7:09 p.m. Central time); not approx. 9:00 at night as he writes, I called Crowley, La., 318-783 5616 and the period of time was 15 minutes; not 45 min. as he implied. I am not in the habit of

calling people I do not know to tell them my life story but could not have done so if I had tried in 15 minutes. I am 50 years old. Also, Mr. Gibson adds that "he put me on hold many times" and "sometimes she would be on hold for five minutes...I then hung up on her." Mr. Gibson did not hang up on me. If he put me on hold many times and left me holding sometimes for five minutes that does not leave much time for conversation in 15 minutes. If I was repetitious, he still did not get the message as revealed by the attached copy of letter which I hand-carried to the Sheriff's Office just before dark on the evening of May 4, 1984 when I drove in from Houston. (A-140).

As revealed by the attached letter, "I reported to Officer Gibson over the phone this week, Forest Bearb, one of your officers (and my sister's husband) came on my property in St.Landry Parish on Friday 23 and informed me that I had committed a

forgery in Houston..." (My letter has never been answered nor was the information I requested re the "forgery" furnished.) Clearly, the gentleman was not interested in the fact that I called and reported that Forest Bearb, an Acadia Parish policeman, had come on my property in St.Landry Parish and accused me of a crime I did not commit. His affidavit was instigated to discredit me and to help Forest Bearb.

The above mentioned inconsistencies discredits Mr. Gibson and his affidavit should be ignored. It does not deal with the issues in my pleadings and I object and take strong exception. I request that it be rejected.

s/ Louella F. Benson

SWORN AND subscribed before me, the undersigned authority, this 12th day of April 1985.

My commission expires:

/s/ J.S.M.
Notary Public

September 8, 1985.

Acadia Parish Sheriff's Dept.
Elton A. Arceneau, Sheriff.
No. 14362

Luella Benson	Charges against Dy.
Complainant's Name	Named on Complaint
6432 Montrose Alexandria,Va.	St. Landry Parish
Complainant's Ad.	Location of Complaint

Phone No.

Dy.Gibson	7:05 p.m.	3/27/84	None
Received by	Time	Date	Off.Assigned

Details of Complaint or incident

Subject phoned and wanted to speak to the sheriff about one of the Dy.'s who she had a complaint against. After I explained the sheriff was not here she wanted me to take down the information for the complaint. Ms. Benson is the sister-in-law of Forest Beard and she says Forest went in St.Landry Parish and using his badge ran off a survey crew she had on her land. She and Mrs. Beard are sisters and own some land in St. Landry Parish. The survey crew was on her part of the land and this was the second time this had happened. The first

time she let it go because of her sister but this time she has filed charges in St. Landry on Forest. Ms. Benson is going to contact the Sheriff either by phone or letter.

/s/ Dy. William C.Gibson

C&P Telephone Account Number - 703 256 7595 334

APR 5 84

-DETAIL OF ITEMIZED CALLS - Page 7

DATE	TIME	CALLED-PLACE	AREA-NUMBER		RATE	MIN	
---- AT&T COMMUNICATIONS (CONT.)							
3 27	809 PM	CROWLEY La.	318 783 5616	*	E	15	4.08**/
3 27	805 PM	OPELOUSAS La.	318 948 6516	*	E	2	.64
3 27	847 PM	OPELOUSAS La.	318 948 6516	*	E	17	4.60
3 27	851 PM	OPELOUSAS La.	318 942 8768		PE	26	9.98

** / only call to Acadia Ph. Sheriff

A-139

6432 Montrose Street
Alexandria,Va.22312
March 28, 1984

Sheriff Nelson Arceneau, Acadia Parish
P.O. Box 289
Crowley, Louisiana 70527

Dear Sir:

As I reported to Officer Gibson over the phone this week, Forest Bearb, one of your officers (and my sister's husband) came on my property in St. Landry Parish on Friday 23 and informed me that I had committed a forgery in Houston. When I begged Forest to tell me who, what, when etc. (because I have never committed any forgery or any cirmes) he would only say "that lady in Houston", said they were "working on it" and assured me"that I would be nailed", and made other defamatory untrue inferences about me.

Under the applicable provisions of the Freedom of Information and Privacy Act please make available to me copies of any and all information you may have pertaining

to me Louella F. Benson or Louella M.Faul, including the name of "that lady" in Houston he referred to and a copy of the "forgery" he accused me of. It is my understanding that when Forest was confronted with this by someone else he responded that he did not know anything about it (since the incident on Friday, March 23). He also stated, I was informed, that "he told me he would slap me" if I stepped on my sister's property.

I was not on my sister's property but he came on my property to talk to surveyors I hired to do work on my land which I have inherited in one area and purchased in others. What gives Forest the right to flash his badge and a little black box (which he was wearing at the time) on my property in St. Landry and to insult me verbally with untruths?

Neither the prior surveyors (who aborted the efforts after contact by Bearb and

their lawyer) nor the recent surveyors had any interest in the Bearbs, their stickers, or my sister's 4 plus acres. Therefore, Forest's presence on my property to speak to the surveyors I employed to do work for me was unwarranted, as was the calls by he and/or his lawyer to the supervisors of thse men. A trip home costs me about $1,000.00. I have a heart injury and do not take the problems created for me lightly in this area. (What was the purpose of the little black box and provide any information obtained.)

How is it that Forest happens to know when I am at home when I have no contact with them whatsoever? What gives the Acadia Police (or any police) the right to be "working on it" as Forest told me when I am and always have been a law abiding citizen? The FOI request (and Privacy Act) request also extends to any area of government in which Forest or the Acadia Police may have

been contacted pertaining to me, or any involvements in surveillance, controls, research.

While I had hoped that this letter would not have been necessary after the first encounter, the recent above-described incident leaves me no choice and I am certain you can appreciate the seriousness of the situation re the untrue defamatory accusation. I will demand my complete civil and constitutional rights in all areas and I fully intend to go on my property without police harrassment and to hire whoever I want to-to do whatever work I elect to do without Forest's presence or he and/or his lawyer's intervention. What regulation justified the Acadia Police to come in St. Landry Parish? Your prompt attention would be appreciated. What justifies Forest or any police intervention in any area of my life?

Very truly yours,
/s/ Louella F.Benson

Rec'd -5-4-84
/s/ T H. Zaunbrecher

STATE OF VIRGINIA
COUNTRY OF FAIRFAX

In response to the Affidavit of William C. Gibson of July 7, 1988, I Louella F. Benson, duly sworn, deposes and says:

I am an administrative secretary bookkeeper and work with my husband-a professional engineer and economist at 6432 Montrose St., Alexandria, Va. 22312.

I attach a copy of an affidavit I swore to on April 12, 1985, A-134-136, in rebuttal of an affidavit William C.Gibson swore to on March 20, 1985, or it was represented to me that William C.Gibson swore to the March 20, 1985 affidavit. His affidavit of 3/20/85 was in hands of Charles Brandt, Bearbs et al, Ally, Courts. (The original of the above mentioned April 12, 1985, affidavit by me was filed in the Western District-U.S. Court of La., Section C in 1985 in CV84-2540 and CV84-2541.) I do swear that the attached is a copy of the same affidavit I swore to on April 12, 1985,

and which I incorporate with this affidavit in rebuttal of William C.Gibson's affidavits. I also incorporate a copy of pg. 7 of my phone bill of April 1984, A-139 which shows I spoke 15 mins. at 7:09, La.time on 3/27/84 phone number 318 783-5616 Acadia Sheriff's Depart. I also encorporate a copy-a letter I typed on 3/28/84 to the Sheriff of Acadia Parish, La., and which was signed for by former deputy T.H. Zaunbrecher on the date I carried it on 5/4/84. A-140-143.

The inconsistenceis I documented in my attached affidavit discredits Mr.Gibson. William C. Gibson's July 7, 1988, affidavit further discredits him because he states "I have at no time ever made any statement, sworn or otherwise, regarding the mental condition of Louella F.Benson. Clearly, as shown in his March 20, 1985 affidavit, he did indeed make discrediting statements re my state of mind, or whoever signed the affidavit did. These statements were most

unwarranted. I have never met William C. Gibson. I had contacted the Acadia Sheriff's Depart. on 3/27/84 after one of the deputies of Acadia Parish Sheriff, Forest J.Bearb had trespassed on my property in St.Landry Parish with his badge etc., and accused me falsely of having committed forgery etc., and that they were working on it and would nail me, in the presence of my surveyors. All of Deputy Bearb's accusations were false.

Deputy Gibson failed to note my complaint re the false forgery etc. in his note of my phone complaint of 3/27/84 but on 3/20/85 William C. Gibson swore to distortions and untruths about me to discredit me to help Deputy Bearb et al who were seeking a mental evaluation in efforts to discredit me after I sued Bearbs et al. There was nothing wrong or "unbalanced" with my complaint. The false forgery, etc. was left off and there were efforts to discredit me instead as shown by affidavit.

All statements in my affidavits are correct in accordance with my best knowledge, information and belief.

Sworn and subscribed before me, the undersigned authority, this 18th day of July 1988.

/s/ Louella F. Benson

STATE OF VIRGINIA

COUNTY OF FAIRFAX July 18, 1988

/s/ K.S.J. Penny

MY Commission expires 2/18/92

AFFIDAVIT OF JOSEPH L. BENSON

I, Joseph L. Benson, a legal resident of the State of Virginia, have been married to Louella F.Benson for more than 10 years and reside with her at 6432 Montrose Street, Alexandria, Va. 22312. Shortly after our marriage I learned that I had cancer of the bladder and since had a heart bypass. Louella has taken good care of me and has been both compassionate and sympathetic to my concerns. My wife is a gentle loving person who is very open.

I am now and have been a public utility consultant for about thirty years in the natural gas pipeline industry, following twenty-three years of government service, including service as a Naval Officer during World War II. Prior thereto, I received three degrees from the University of Texas, including Master of Science in Civil Engineering and Master of Arts, majoring in Economics. Since February 1976,

Louella has been in my employ as an Administrative Assistant, Secretary and Bookkeeper.

As a wife and as an employee, Louella has been loyal, trustworthy, competent and industrious. As to her difficulties with her relatives, I can only state that I visited with her twice at the home of Lois and Forrest Bearb. I found no fault with Louella's behavior in any of such visits, nor did Forrest Bearb show any hostility. I have also visited with Louella at the home of other heirs and their children and there were no problems.

As to the allegations of forgery by Louella, it is my opinion that such allegations are without substance and are false. Louella, as pro se, tried and won a case in which she was a victim of fraud and forgery.

In 1981, Mrs. Benson volunteered for psychological testing and evaluation. The psychiatrist who completely evaluated her

and had her tested told me that she has no psychoses. He stated that he noted a mild situational depression which was not psychotic, not even neurotic, and did not recommend any treatments, nor have I sought any.

It is untrue that my wife was angry when Melody Faul arrived to visit with us in February 1977. The only problem that came up was that Mrs. Benson asked Melody to turn off the TV and the lights late during the second night because we are light sleepers. At no time did I hear any of the discrediting remarks in Melody's affidavit. I was in both the office and at home with my wife while Melody was here. As to buying Melody a present, my wife is a kind and generous woman. She does her own housework and gives to charity money she would otherwise pay to a maid. /s/ Joseph L. Benosn

Sworn and subscribed before me, a Notary Public in and for Fairfax Co.,Va. this 29th day of Aug., 1986. /s/ J.M.Royer, now by marriage

Commission expires:
Oct. 1989

Opelousas, La.
Oct. 18, 1986

Case C.V.86-0489
Section L

Affidavit above case number

I Joanna B. Miller have known Louella F.Benson since 1949. We finished high school together. Later we shared an apartment. I have seen her several times since. My husband and I visited her in 1985 in Virginia.

As long as I have known her she was always kind, honest, pleasant, hard working and of sound mind to the best of my knowledge.

Joanna B. Miller
Rosamond Mauret--Witness
Marie Luceto - Witness

Sworn and subscribed before me on this 13th day of October 1986.

R.G. Hargrove
Notary Public

STATE OF VIRGINIA

COUNTY OF FAIRFAX

In response to the Affidavit of Aimee Melody Faul, I Louella F. Benson, duly sworn, deposes and says:

During the winter of 1976-77 my husband and I went to New York on a business trip. Melody was in New York and we invited her to share a meal with us. She seemed delighted to see us. She said she was there in hopes of studying to become an actress and she was very disappointed from some of the things she told us. She asked if she could visit with us. I said certainly and infact paid for her plane fare back to Lafayette, and I believe I may have paid for her ticket to Washington. After she described some of the people she came across I encouraged her to go home and go back to school. Although I have never lived in New York, and it's a great city to visit, it is a forest.

Our offices were downtown D.C. at the time. Melody was supposed to have arrived earlier. After Melody missed her train, we did go back to pick her up. It is not true that I was angry because she was late. We were up rather late and after Joe and I retired, Melody had the TV on quite loud until about 3:00 a.m. while she was washing her hair. Our house is small. We were very tired. On the second night I did ask Melody after 2:00 a.m. if she would mind turning off the TV. I explained that it was a sad time for us that we had been married less than a year and had learned that Joe had cancer and that we both had to get rest to go to work the following morning. Melody's response was to shout at me just like her dad. I informed her that I did not allow such shouts in my house from one I had gone out of my way to help. She then pouted and said she would leave in the morning and I said I would put her on a plane. I next saw her at breakfast.

The day she was downtown, she told me what a hard time she had had at home from the problems her parents had since she was the oldest one and the results of this on her life. I felt sorry for her and while I do not remember buying her anything or offering to buy her something, I may well have because I would do the same for any of my nieces or nephews. Melody's statements are ridiculous and untrue and a part of the smear efforts. From some of the remarks she made to me about some of her associates in dramatics, which I will not repeat because she is too young and she is my niece, but I can only say that she was still on Act 1, Scene 2. Her remarks are unworthy of further comments.

Melody Faul has nothing to do with my complaints against the defendants and I very much object to her unjustified remarks which are untrue and do not deal with the issues in my pleadings. I request that her

affidavit be rejected.

s/Louella F. Benson

SWORN AND SUBSCRIBED BEFORE ME, the undersigned authority on this 12th day of April, 1985.

Jeanne M.M.
Notary Public

My commission Expires Sept. 8, 1985.

STATE OF VIRGINIA

COUNTY OF FAIRFAX

In response to the statement of Nellie Champayne Faul, I Louella F.Benson duly sworn, deposes and says:

I move to strike the statement of Nellie Champayne Faul. While she refers to a statement which is not sworn to, the "Psychologist" and counsel for the Defendants refer to it as an affidavit. Should it be allowed in the record, I am submitting this affidavit.

I have not seen Nellie since 1975. I think the letter I sent her which she attached is a perfectly good letter.

As I read her statement I can see where she would hesitate to swear to it because there are a number of statements which are outright untruths. I never said anything to anyone about anybody being out to get me. These and other untruths and the fact that she repeats Melody's false-defaming

statements which she did not see or hear makes good feedback for the "book case" Ewell told me of back in 1981. I did not throw Melody out of the house but I did not flatter her after she was impertinent and said she would leave in the morning. In view of some of the things Melody told me I exercised self-control when Nellie shouted at me over the phone (as though she was talking with Ewell) saying she knew her daughter and I remained silent. However, at some point, I did hang up and I may very well have said ___ as opposed to what I could have said if I had continued listening. I wonder if either she or Ewell have looked into the liability of these recent developments.

I never told Nellie I was suspicious of anyone - again that is a"book case" approach. I was not suspicious of the company I worked for in Vietnam but from what I learned a couple of years back I certainly

should have been. I may have told Nellie that some of the people I worked for had to go back for de-briefings. I may have said that in my opinion the federal government gets the short end of the stick overseas and infact, when I returned crippled, lawyers tried to make me sue the company and the government and I refused because of all the waste, the young boys who were dying for about $100. per month and I settled for over $1,000.00 until I went back to work. The administration was pretty stormy in D.C. in the early seventies and I may have mentioned that but I do not remember. As for my brother Lloyd, Grace had told me he had me under surveillance but it was Grace who was doing the filing and denying the affidavits etc. The remarkable thing is that I was able to earn a living.

I do not think Nellie ever really listened to what I told her. She was always understandably busy with the children and

very frequently quite upset which was probably justified, but I have never known anyone who can get quite as angry or scream so loudly.

Again Nellie's statement has nothing to do with my pleadings against the Defendants and I very much object to this smear "book case" approach, which is most unjustified. Her statement does not address the issues in my complaints. I request that it be rejected.

s/ Louella F. Benson

SWORN AND SUBSCRIBED BEFORE ME, the undersigned authority on this 12th day of April, 1985.

Jeanne M.M.

Notary Public

My commission expires Sept. 8, 1985.

Nell

Hope you, Bud and the kids are well. I regret the unfortunate conversation we had. You are still one of my favoriate people. The children, or rather some of the grandchildren in the family cannot help but be influence by some of their elders. When it comes to my own house, however, I call the shots. I work hard and must have a certain amount of rest to fill all my roles. I would take nothing away from Melody and wish her well always but in view of the fact that I went out of my way to be nice to her and she proved to be inconsiderate, I would have to do the same thing under similar circumstances. I do admire you taking up for her anyway - that's what families are suppose to be for .

I am returning her graduation ring and ear rings. Am enclosing $5.00 for little E.J. Had promised a birthday present and have not had a chance to buy anything. Also

enclosing a ring Laurette might like. Joe bought that for me on a trip at some airport in a hurry and it's too youthful for me.

Say "Hello" to your mother and family. It's nice of you and Bud to look after Pop. I understand he is doing better.

Take care.

s/ love
Lou

Sent to Nell C. Faul by L.F. Benson in Feb. 1977.

STATE OF VIRGINIA

COUNTY OF FAIRFAX

In response to the Affidavit of Malcolm Bearb, I Louella F. Benson , duly sworn, deposes and says:

Malcolm Bearb is the son of Defendant Forest Bearb, and of Lois Bearb, the defendants in each of my cases. Malcolm Bearb has a home and resides across the street from my Farm and in front of the public ditch of highway 343, which his mother Lois Bearb obstructed on our side of the road. Malcolm's house is also facing the Faul Road his mother destroyed.

I was invited to stay with Malcolm and his family overnight in 1975. However, it soon became apparent that the reason I had been invited was to ask to purchase my interest in the Faul estate across the street from him. He pointed out that he does not have very much land, or did not at that time. I told Malcolm that my Father was still very much alive.

I am very familiar with the oil industry and service companies having worked in the oil business for many years and infact, taking the test reports Malcolm refers to on daily bases and typing them. Am very aware that people on such jobs are subject to being called at any hour or at the level where such tests are conducted to determine the contents and if there is a show of oil. I was not at all surprised of Malcolm having been called. I never said anything about "agents" or "master plans". I told them of my concerns about the three warrants Izena had place over my head without justification and that that had caused me many difficulties. I may have said that Izena had told me Lloyed had me under surveillance while it was she Izena who filed the unwarranted warrants, left them for years, while I was told they had been dropped, and never furnished affidavits. I object to the hearsay from his wife, Dianne. I did not criticize

Malcolm nor his family nor did I insult anyone. As a matter of fact, Malcolm and Dianne insisted that my husband and I dine with them about four years ago after I stayed with them in 1975 overnight. What was obvious during both visits was that Malcolm got plastered. Dianne and I talked about her being with child during the last visit. She wanted to know if the father of my child was a married man when I became pregnant to which I responded No. She wanted to know why we had not married. I informed that we had not married because he did not suggest anything other than an abortion when I informed him I was pregnat which was not the right approach for me--and that I had not given him a chance to change his mind. I added that I had been informed that he had never married and had infact bothered a member of my family and friends in efforts to locate me. I in formed that he is a lawyer, and while I wish him well, I very much resent him

trying to intrude in my life and that I felt he had made the right decision in not marrying me because I do not believe the marriage would have worked-now that I look back.

Malcolm Bearb does not address the issues in my complaints and I very much object and take exception to his "affidavit" to help his parents. I request it be rejected.

s/ Louella F. Benson

SWORN AND SUBSCRIBED BEFORE ME, this 12th day of April, 1985.

My commission expires Sept. 8, 1985.

Jeanne M M. (sp.)
Notary Public

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F. BENSON

VS CIVIL ACTION NO. 81-2540,

FOREST BEARB Section "C"

RESPONSE TO PLAINTIFF'S MOTION TO COMPEL FOREST BEARB TO PRODUCE SWORN AFFIDAVIT

Now appears Forest Bearb, through undersigned counsel, who responds that:

1.

No formal request for production and inspection of documents was served upon defendant.

2.

Although a rough affidavit was prepared by defendant, Forest Bearb, there was never typed and was discarded as useless by counsel for defendant since it did not contain specific allegations of facts.

3.

Because of the foregoing, there exists no sworn affidavit nor even the rough copy of same.

4.

Defendant would request, as a sanction

of this court, an award of attorney's fees and costs for his being compelled to respond to this motion to compel since no request for production

s. Charles Brandt

April 24, 1985

John Reed, Attorney at Law
2735 Tulane Ave.
New Orleans, La. 70119

ADLER V. LEDOUX
Sheriff & Ex-Officio
Tax Collector
Opelousas, Louisiana
70570

Subject
Louella Marie Faul Date 5-4-76

Message

Dear Mr. Reed:

Please find enclosed copies of the warrents requested by you on the above subject, per our telephone conversation of this date.

If you wish copies of the affidavits, I was informed that you will have to obtain them from Mr. Morgan Goudeau, III, District Attorny, 27th Judicial District Court.

s/ Jackie Doucet, Dy. Sheriff

STATE OF LOUISIANA
Parish of St. Landry

John Wilson Reed
Atrorney at Law

2735 Tulane Avenue
New Orleans, La. 70119
504 822 4488

May 18, 1976

Mr. Morgan Goudeau, III
District Attorney
27th Judicial District Court
Opelousas, La.

Dear Mr. Goudeau:

I represent Louella Faul and I am trying to work out an amicable dismissal of the enclosed warrants. The charges were filed as a result of a family disagreement but have never been acted upon. As the attached memo reflects, I have been advised that I can obtain copies of the affidavits in support of the warrants from your office. I would very much appreciate it if you could send me copies of the affidavits. I think the parties involved will then be able to clear up the matter.

I thank you for your attention and assistance.

Very truly yours,
s/ John Wilson Reed
JWR/kk
cc: Louella Faul

MORGAN J. GOUDEAN, III
District Attorney
27th Judicial Dist.
Phone 318 942-2221
P.O. Drawer 1419
Opelousas, La. 70570

July 16, 1976

Mr. John Wilson Reed
Attorney at Law
2735 Tulane Avenue
New Orleans, La. 70119

Re: Louella Faul

Dear Sir:

This is to advise you that this office has no record of any affidavit filed against Louella Faul.

Very truly yours,

s/ MORGAN J. GOUDEAU, III
District Attorney

MUGIII/rw

Note: 1988 - Same D.A.'s office representing Board who used Spike on her farm which Sheriff of St. Landry Parish attached for E.J.Faul. Would have to go to same D.A. to seek indictments for untruths underoath which surfaced in 1985 only, and for untruths underoath re road.

Charles Brandt, Attorney at Law
111 Mercury Drive, P.O. Box JJ
Lafayette, Louisiana 70502
318 237-7171

March 6, 1985

The Honorable John M. Shaw
District Judge
P.O. Drawer J
Lafayette, Louisiana 70570

Re: Louella F.Benson vs. Forest Bearb
No. CV84-2540

Louella F.Benson vs. Lois Bearb,
et al No. CV84-2541

Dear Judge Shaw:

In response to your Minute Entry Order of February 20, 1985, I engaged in a telephone communciation with the plaintiff, Louella F.Benson, on March 5, 1985 at approximately 6:55 P.M., said conversation lasting until 7:12 P.M. the same date.

My interpretation of what Mrs.Benson stated was that she was not willing to engage in a settlement conference at this time because the interrogatories propounded by her to the defendants had been answered. When I stated to her that I would inform the Court of this, she stated that

this was not her response and that I should inform you as follows:

In the interrogatories to Leslie and Lois, the very last question is "what corrections are you willing to make?" In view of the agreement of October 30, 1983, and because of the defendants giving her problems and not being sincere, she would ask for answers to her interrogatories or a meeting with Lois or Leslie Faul. As to Forest Bearb, no answers to interrogatories have been filed. The things he said to her have hurt her very much. She would like for us to answer her interrogatories and then talk about the prospects of settlement.

She additionally questioned whether the Minute Entry Order pertained to both cases since it was contained on a minute sheet for Case 84-2540 only. I informed her that I felt that it was your intent that we discuss settlement of the entire case. I further informed her that I would make every

effort to obtain answers to the interrogatories which she posed and to have them mailed by the end of the week.

With best wishes, I am,

Very truly yours,

s/ Charles Brandt

CB:Mrm

cc: Louella F.Benson
Forest Bearb
Lois Bearb
Leslie Faul

6432 Montrose Street
Alexandria, Va.22312

March 9, 1985

Charles Brandt, Esq.
P. O. Box JJ
Lafayette, La. 70502

Dear Mr. Brandt: Re: Louella F.Benson vs.
Forest Bearb,C.V.84-2540

Louella F.Benson v.
Lois Bearb,et al 84-2541

A copy of your letter to Judge Shaw and enclosing original only of Defendant's Interrogatories to Plaintiff in CV84-2540 (which for the most part have already been answered under oath and mailed to you on Jan. 14, 1985) dated March 6, 1985 arrived on this date. This letter is to correct certain misrepresentations which you made to the Court and to the defendants. By copy of this letter I seek permission from the Court to have future communications between you and this writer in writing.

In response to your letter of last week and your call, I informed you that in view of the seriousness of the remarks and actions of the defendant in C.V.84-2540, I would have

to have answers to my interrogatories mailed to you on Jan.29,1985, in efforts to find out the origin of all this which has indeed been damaging. I suggested the possibility of another settlement talk after I receive those answers. If the answers to those pertinent questions had been timely provided, the delay would not have been necessary.

Mr. Brandt the first sentence in your paragraph number two is untrue because you have yet to answer one interrogatory as to all three defendants, and all were either past due or due as of 3/5/85. I am certain I did not state as you write "because the interrogatories propounded by her to the defendants had been answered" and this is supported by my evidence. I was well aware that you were to report back to the Court and I infact asked that you correctly represent what I had said.

As to C.V.84-2541, I pointed out that if you will review my interrogatories to the

defendants in this case (which were mailed to you on Jan. 31, 1985 in the case of Leslie Faul, and on Feb.14, 1985 as to Lois F. Bearb) you will find that one of the questions I posed to both my brother and sister was what corrections would they be willing to make. I told you that since the defendants were trying not to honor their letter agreements of Oct.1983 and supplement dated Nov. 21, 1983 which they assured me of if I executed the partition (copies of which have been made available to you), I would have to have answers under oath to learn just what they are sincere about, and I suggested perhaps another settlement conference with my brother and sister, hopefully in person, after I receive their answers. Unlike what you represented to the Court, I asked for their answers first not "...she would ask for answers to her interrogatories or a meeting with Lois or Leslie Faul." Unlike what you told the Court, I said no

answers had been provided by any of the defendants, not "as to Forest Bearb, no answers to interrogatories have been filed.

Mr. Brandt, you asked me if I had a copy of the Judge's Minute Order to which I responded I had the notation the Judge had ordered on the form resulting from my Motion to Dismiss in 2540 directing you to initiate a settlement conference via phone to the Court. Your letter received last week mentioned a settlement conference for both cases and you did inform me that you felt that it was the Judge's intent that we discuss settlement of the entire case. What you failed to tell the Court is that my response was that I thought that the Court's approach was an honorable one.

You responded that you would furnish the answers to the interrogatories this week and you added that you wanted the answers to your interrogatories to me which have not yet been furnished. I pointed out that most

of my answers to their interrogatories had been answered in both cases by me under oath weeks ago, and that I was in the process of retyping the answers to 84-2541 on the originals which you had only recently made available and would do likewise as to C.V.84-2540 once you provide the original. As to the few questions not yet answered I responded that I would provide the answers as soon as possible. For the most part the very very few answers I have had to delay are subject matters for trial purposes and will require another trip re certain matters.

You became very curt when I asked if you worked in the same building as one of my brothers (Paul "Energy Co") for which you later apologized for your over-reaction. I simply mentioned that you are not in a position to be curt with me.

You will recall my letter to you dated March 1, 1985, informed that I was available for the telephone conference between

9:00 a.m. and 5:00 p.m. eastern standard time. I believe your call was between 7:00 and 8:00 p.m. on March 5. On the night of March 4, there were two calls around 11:00 p.m. or later with no messages left (which is rather unusual). My husband suffers from serious heart problems and cancer. We retire very eraly. Should it be necessary to call I would greatly appreciate your cooperation. (Also, my letter of 3/1/85 requested answers to interrogatories.)

Mr. Brandt, your attitude and remarks to my former counsel etc. have to be based on what has been represented to you by certain members of my family, whose motives, at best must be questioned under the circumstances, not to mention their own involvments and attitudes in estate matters, their circumstances and the fact that I have been obligated to pursue my rights. Please keep in mind that you have never met me and that I have not seen or been around certain members of my family for years and their efforts to

invade my life are totally unwarranted and unjustified. (This is not so with my brothers and sisters whom I have been around.)

Very candidately, I fail to see how anyone is well served by your misrepresenting what I said to you to the Court. If there is a meeting between my brother and sister and myself, a priest might be present as opposed to you. I am copying my brother with this letter. In view of the misrepresentations in counterclaim etc. I will let you communicate with the Bearbs. In view of what has transpired I feel totally justified in asking for some answers under oath.

Very truly yours,
/s/Louella F. Benson

cc: Hon. John M. Shaw
Leslie Paul

P.S. Am sending a copy of your letter to the Judge since your letter was addressed to Lafayette instead of Opelousas.

Certified - RRR
P 558 044 909

6432 Montrose St.
Alexandria, Va.22312

March 14, 1986

Charles Brandt, Esq.
300 B Stewart St.
Lafayette, La. 70501

Dear Mr. Brandt:

re: Benson vs. Ally et al
CV86-0489

This letter is to request that you have the defendants answer the interrogatories propounded to them on April 19, 1986; second sets of June 10, & June 11, 1986, July 17, 1986, third set of interrogatories of Oct. 8, 1986.

Please have the defendants answer all prior interrogatories propounded to them as soon as possible. If there are some questions which they say they do not understand, have them answer remaining interrogatories and I will try to clarify if necessary as to any they refuse to answer.

Very truly yours,
s/ Louella F. Benson
pro se
703 256 7595

Certified - Return Receipt Requested
P 939 918 981

6432 Montrose Street
Alexandria, Va. 22312

April 4, 1988

Charles Brandt, Esq.
300 B Stewart St.
Lafayette, La. 70501

Dear Mr. Brandt:

Re: Benson vs. Ally et al
CV86-0489

You will recall on Oct. 18, 1986, I sent interrogatories to you to be answered by you in the above-mentioned case. This letter is to again ask that you answer the interrogatories.

If there are any questions which you do not understand, answer those you do understand, and I will try to clarify if necessary on the remaining ones.

Very truly yours,

a/Louella F.Benson,pro se
703 256 7595

cc: Clerk in Shreveport for filing

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
Lafayette-Opelousas Division

LOUELLA F. BENSON,
Plaintiff A.A. No.CV86-0489

Vs.

GLENN A. ALLY, PhD.et al Section L
Defendants

INTERROGATORIES TO DEFENDANT

To: E.J.Faul, through his attorney of record:

Charles Brandt, Esq.
300 B Stewart Street
Lafayette, La. 70501

Interrogatories are being sent for Defendant E.J. Faul through his attorney of record, to be answered fully in writing by him and under oath within (15) days in accordance with F.R.C.P.

1. State your name, address and occupation and the number of years since you have seen me?

2. Have you ever arranged for or requested any sort of mental treatments for me, and if so when, and from whom and give the names and addresses of the doctors,

programmers, agencies who authorized and/or dispensed any such treatments as a result of your intervention and state for what condition, and list treatments administered.

3. In view of your affidavit of 1985 in estate matters in support of a mental evaluation of me and some of the untrue and unkind thing which you have said, have you ever been evaluated and are you, or have you been under the care of anyone affiliated with the mental health profession.

4. How many times and when were you treated for alcohol addiction, and were you confined in 1985 for some time for having made serious threats in the presence of your new wife and daughter, and did not your daughter testify against you?

5. In 1975, while I was caring for Pop, you informed me that what I said did not matter any more. What did you mean by that statement?

6. What does the Faul Energy Co. consist of; does it now or has it ever had any government contracts or grants for research and development of any kind, and if so explain fully as to what and where, and list any names and agencies involved, including companies or individual.

7. Do you or the Faul Energy Co, now or in the past have any economic interest with Charles Brandt, Esq., Glenn A. Ally, PhD., or Edwin Cox et al, and if so please explain fully.

8. Do you know of or have you taken part in any type of constructions or research on the Faul estate and if so explain and give the names of the companies, individuals or agencies involved.

9. Have you ever been under the care of Glenn A. Ally, Ph.D. and if so when, and state the name of the doctor who you said you knew in 1981 over the phone, who you threathened would help you in putting me

in an institution if I returned to Lafayette?

The above interrogatories are continuing and the party responding to them is under the duty to supplement his responses to include information thereafter required.

s/Louella F.Benson
pro se
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

I certify that the original and a copy of the foregoing are being mailed via first class mail postage pre-paid to Charles Brandt, Esq. at 300 B Stewart Street, Lafayette, La. 70501, who is counsel for defendants on this the 19th day of April, 1986.

s/ Louella F. Benson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F. BENSON,
Plaintiff C.A. No. CV86-0489

Vs.

GLENN A.ALLY, PhD, et al Section L
Defendants

INTERROGATORIES TO DEFENDANT

To:

Lois F. Bearb
Through her attorney of record:

Charles Brandt, Esq.
300 B Stewart Street
Lafayette, La. 70501

Interrogatories are being sent for Defendant Lois F.Bearb through her attorney of record, to be answered fully in writing by her and under oath within (15) days in accordance with F.R.C.P.

1. State your name, address, occupation, level of education and the last time you saw me other than for estate matters?

2. Have you ever arranged for or requested any sort of mental treatments for me, and if so when, and from whom and give

the names and addresses of the doctors, programmers, agencies who authorized and/or dispensed any such treatments as a result of your intervention and state for what condition, and list treatments administered.

3. In view of some of the untruths, misrepresentations and hearsay which you wrote in your "affidavit" in 1985, in support of a "mental evaluation" of me, weren't you seen by a mental health professional in a family session when your son got in trouble, and were you under the care of any mental health professional when I took your deposition on Feb. 5, 1986?

4. List the names of the people to whom you made the representations that the problems in the estate suits were all in my mind and/or that you mentioned the mental label to?

5. List the names and addresses of the people who told you that I had ever commit-forgery or who said that I said I had

committed forgery, and the dates that you were informed of such things, and state whether or not you have ever tried to use this for any interventions in my life, and if so what and when?

6. In view of the very nice letter you wrote me in Nov. of 1979, the fact that you sued me in 1983 when I insisted on bidding on the improvements of our deceased parents, your subsequent actions, was not your "affidavit" with untruths and hearsay, and those you were able to solicit, efforts to deny me due process and carry out the plans for you to try to acquire my property since you are asking the Court to rule on whether or not the deeds are valid; if there was a meeting of minds; if I bought movable or immovable property (after I purchased with your agreements, not only the improvements but the land where the improvements are over two years ago).

The above interrogatories are continuing and the party responding to them is under the duty to supplement his responses to include information thereafter required.

s/Louella F.Benson,prose
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

I certify that the original and a copy of the foregoing are being mailed via first class mail postage pre-paid to Charles Brandt, Esq. at 300 B Stewart Street, Lafayette, La. 70501, who is counsel for defendants on this the 19th day of April, 1986.

s/Louella F. Benson,prose

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE--OPELOUSAS DIVISION

LOUELLA F. BENSON,
Plaintiff C.A. No. CV86-0489

Vs.

GLENN A. ALLY, Ph.D.et al Section L
Defendants

INTERROGATORIES TO DEFENDANT

TO: Izena Kidder - through her attorney
300 B Stewart Street
Lafayette, La. 70501

Interrogatories are being sent for Defendant Izena Kidder through her attorney of record, to be answered fully in writing by her and under oath within (15) days in accordance with F.R.C.P.

1. State your name, address, occupation, level of education, and the number of years it has been since I have been to visit you.

2. Have you ever arranged for or requested any sort of mental treatments for me, and if so when, and from whom and give the names and addresses of the doctors, programmers, agencies who authorized and/or dispensed any such treatments as a result

of your intervention and state for what condition, and list treatments administered.

3. In view of your affidavit of 1985 in estate matters in support of a mental evaluation of me, and some of the untruths and misrepresentations which you made, have you ever been evaluated and are you, or have you been under the care of anyone affiliated with the mental health profession for such a thing as prescription drug addiction or mental treatment?

4. List the names of the people you informed that I had committed forgery, or who you informed that I had ever said any such thing, and state when you so informed them.

5. The Washington Post printed an article where false charges are placed on people in efforts to justify interventions or "mental treatments", were your false statements about me efforts to justify such unwarranted, unconscionable actions or "treatments"?

The above interrogatories are continuing and the party responding to them is under the duty to supplement his responses to include information thereafter required.

s/ Louella F.Benson,prose
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

I certify that the original and a copy of the foregoing are being mailed via first class mail postage pre-paid to Charles Brandt, Esq. at 300 B Stewart St.,Lafayette, La. 70501, who is counsel for defendants, on April 19,'86.

United States District Court
Western District of Louisiana
Lafayette--Opelousas Division

LOUELLA F. BENSON,
Plaintiff C.A. No.CV 86-0489

Vs.

GLENN A. ALLY, Phd, et al Section L
Defendants

INTERROGATORIES TO DEFENDANT

To: Glenn A. Ally, PhD
Through his attorney of record:
Charles Brandt, Esq.
300 B Stewart Street
Lafayette, La.70501

Interrogatories are being sent to Defendant Glenn A. Ally, Ph.D. through his attorney of record, to be answered fully in writing by him and under oath within (15) days in accordance with F.R.C.P.

1. State your name, address, occupation, and specify if you do work for the police, or if you have been employed by them in the past?

2. Have you ever seen or talked with Louella F. Benson and have you ever dispensed any sort of treatment plan for her?

3. Did you in any way use a computer in arriving at your long-distance diagnosis of Louella F.Benson, and if so explain fully?

4. Were you given copies of the pleadings which Louella F.Benson had filed in the two law suits of Sept. 1984, the pleadings of 1983 when E.J. Faul et al, previously sued her, and of her affidavits prior to 3/6/85, before placing a label on her without knowing her?

5. Are any of the defendants from the Faul family your patients now; were they in the past or did you know any of them prior to 1985?

6. Was the settlement conference between Charles Brandt, Esq., and Louella F.Benson of the evening of March 5, 1985, made known to you, prior to your diagnosis of March 6, 1985.

7. Are you government affiliated in any way; do you have any government grants or contracts from any government agencies now

or in the past, and if so please list them and state if you do research of any kind in the field of mental health.

8. Are you in the habit of making the diagnosis of schizophrenia, paranoid type without knowing or having evaluated the person, and if not then why did you do so in this case?

9. Did you make any efforts to learn the motives and/or the problems of some of the other defendants who gave you this information prior to arriving at your diagnosis?

10. How long have you been practicing in the field of psychology; have you been sued or has your licensed ever been revoked, if so please explain.

11. Are you certified by AMA and/or a member of APA, and do you follow the "accepted clinical procedures" prior to arriving at such a diagnosis of your patients, and state if you are a forensic psychologist?

The above interrogatories are continuing and the party responding to them is under the duty to supplement his responses to include information thereafter required.

s/ Louella F.Benson,prose
6432 Montrose Street
Alexandria, Va.22312
703 256 7595

I certify that the original and a copy of the foregoing are being mailed via first class mail postage pre-paid to Charles Brandt, Esq. at 300 B Stewart Street,Lafayette, La. 70501, who is counsel for defendants on this the 19th day of April, 1986.

s/Louella F. Benson

86-0489

ISSUES PRESENTED TO THE FIFTH CIRCUIT

Application for Writ of Mandamus on October 25, 1988

Pursuant to the All Writs Act, 28 U.S.C. § 1651 (1982), Fed.R.App.P. 21, and Loc.R.21, appellant respectfully prays that the District Court be compelled to rule on the following and to insure all her rights of appeal:

That the Court rule on Defendant William C. Gibson's Motion for Summary Judgment and as to same for Southern American Ins.Company;

****

That the Court issue a ruling as to Appellant's Motion to Evaluate Defendant E.J. Faul as per 1988 filings;

****

That the Court issue a ruling as to Appellant's 1988 Motions to Compel all the defendants (Mr. Brandt's clients) to answer the interrogatories sent to them commencing on 4/19/86, eleven days before another motion for her mental evaluation

was filed by Defendant E.J. Faul and his counsel, ignoring prior Court orders, and for malicious reasons and to pursue his prior 1981 plans to obtain the property (during which year he said he knew a doctor in La. who would help him commit appellant to an institution if she came to Lafayette!) being same property E.J.Faul and his counsel attached in 1987, inspite of proof of untruths, misrepresentations, and E.J. Faul, his counsel and all defendants refused to answer any interrogatories whatsoever inspite of appellant having complied with FRCP, e.g., certified letters to Mr. Brandt, certification and phone conference.

****

That the Court be compelled to make available to appellant copies of all communciations to the Court with which appellant was not copied with, including by any intervenors.

****

That the Court be compelled to make available to her copies of any orders issued for any so-called treatments and/or any orders for the break-ins to either of appellant's house in La. and Va., should such orders have been issued, or any orders she may not know about.

****

That the Judge be compelled to state if he has any conflicts of interests in subject cases (or the appearance of conflicts of interest), including any securities in the mental health treatments, chemicals, wastes, interest in any research and development, etc., energy.

****

In view of proof of more phony untrue damaging stuff underoath, that the Judge be compelled to release any other "reports" such as Ally's which appellant may not know about and all basis for same etc., since enclosed untruths underoath were submitted to long-distance psych for basis of

his report, 1986 proof of untruths in 1985--all discovery denied, plus proof of untruths in secret filings and she was not copied with briefing to S.C. plus record of other cover-ups, entraps and lies underoath.

EXCERPTS FROM PAGE 17 OF BRIEF FOR APPELLEES IN 87-4692 (88-416) BENSON VS. LOIS F.BEARB ET AL FORWARDED TO THE FIFTH CIRCUIT BY CHARLES BRANDT ON APRIL 13, 1988, PRINTED BY A B LETTER

"Benson mentions throughout her brief a "secret pleading" and "secret misrepresentations" that were made by undersigned counsel. This allegation resulted due to undersigned counsel's apparent failure to copy Benson with the pre-trial memorandum which was sent to Judge Shaw and filed in the record. When undersigned counsel filed a supplemental and amending pre-trial motion, he, of course, copied Benson with same, resulting in a frenzy of activity on her part, accusing undersigned counsel of misrepresentations,lies, deceits and distortions."

Certificate of Service

I HEREBY CERTIFY THAT a copy of the foregoing brief has today been served upon Louella F.Benson by placing same in the United States Mail, postate prepaid and properly addressed.

s/ C. Brandt

Note: Counsel Brandt fails to state that

the misrepresentations filed were entitled "Fact and Law" and consisted of 18 pages (unnumbered in 88-416) attachments still not made available to petitioner. He fails to state that she was only copied after defendants' "victories" including in subject cases, and after motion for injunctions had been denied in 88-416, and that Court copied from misrepresentations after she was not allowed to go into this at trial.

SOME OF THE MISREPRESENTATIONS IN SECRET FILINGS PRIOR TO RULINGS FILED ON MARCH 17, 1986

This letter to plaintiff did not constitute a valid offer to sell immovable property. First, there is no mention of a price, in writing, as a contract dealing with immovable property is required to contain under Louisiana law...Secondly, the negotiations were conditioned upon Lloyed transferring his interest to Leslie and, as the evidence will show, this had not occurred even at the time Leslie sold the property to plaintiff*....These negotiation efforts were "accepted" by the plaintiff, and constitute the basis for her belief that there is a valid contract to sell real estate as of the date of her acceptance in November, 1983. However, defendants contend that "preliminary negotiations cannot be allowed to contradict or to vary the

(footnote cont'd. on pg. 205)

*/ Not true - See deed 5-C 6847696 -Given to Court in Secret filing of 3/17/86 by opposition. See cancelled checks at Exh.2 cashed by defendants in 1983 for the land and the improvements. See copies of

terms of a written contract, but may be used only to determine the intent of the parties."...Again, it is pointed out,that absolutely no mention of the servitude of passage is contained in any of these documents.

Plaintiff contends that the documents which led up to the Act of Sale to plaintiff from Leslie Faul are the true substance of the transfer title to Mrs.Benson. These documents dated October 31, 1983 and the supplement dated November 21, 1983 purportedly embodied the entire purchase agreement between Mr.Faul and plaintiff. It is plaintiff's contention that there are an agreement, in writing, between Louella Benson

footnote cont'd.

*/ agreements attached A__ (note check expressly says per agreements). Note at ___ plaintiff said she would "meet their requirements" which was the increased appraisal stipulated in Oct. 12, 1983 agreement and in the appraisal attached to it. See A___ where plaintiff had stipulated in 1982 with copies to all heirs"that she would have to have permanent access to the road as it was then." (All Appendics in footnote were submitted in 88-416 so I have not included them.)

and Leslie Faul that Leslie Faul would sell to Louella Benson the rear of Tract 3 contained in those documents. It is noted for the Court that the alleged "supplement" was not an offer to sell, but was an attempt by Mr. Faul to obtain for plaintiff the property with the improvements thereon, and was a letter attempting to bring her up to date on his efforts in connection therewith.

footnote continued:

*/ Secret misrepresentations were signed by Charles Brandt only after they had been submitted unsigned and then returned for his signature in March 1986--document shows petitioner was not copied--all ignored.)

At pg. 147, Vol.2; 7/31/87 in 88-416, petitioner testified underoath: "..I had a right to a hard surface road, not a mud road, and I certainly had a right to expect that my properties would not be flooded, because nothing was ever said to me about moving the road, nor at any time did I communicate to anyone anything about moving road. The opposite is true."

(Appendix referred to are shown in 88-416).

(It was proposed at some point during the negotiatinns that the road be moved to the boundary line between Tracts 3 and 4 so as not to leave a twenty (20') or twenty-five */ 25' foot section of unusable land seventeen hundred (1700') feet long. (This proposal**/ was endorsed by plaintiff as seen by a plat prepared and drawn by her showing this configuration.)....

**/ See footnote at A-206 (prior page) for L.F.Benson's testimony,

Appendics referred to in footnote are in 88-416.

*/There are other such letters prior and after 1982. Supplement means in addition to. That Leslie Faul was able to buy from Lloyd Faul cured the problem. Why did they take plaintiff's money if they did not want to sell. They were lying secretly. See A___ where Eura F.Granger wrote on 11/7/83, after she decided to divide only that she was told plaintiff would have access to the road.See briefs. See A letters from Leslie Faul of 12/1/83 and of 3/5/84 A___. That they tried secretly to negate the agreements 3 years after asking for and receiving $38,800 - tricking her into taking losses, is fraudulent, like the road. See 88-416, A where executor represented property line of Trs. 3 and 4 adjoined old Faul Rd.A___.
See 88-416 for that amount land unaccounted for. See A-208-209 which follows.

TESTIMONY OF LOIS F. BEARB IN 88-416

on AUGUST 4, 1987, Vol. IV

MRS. BENSON: "She already said they were small, Your Honor."

COURT: "Well, I'masking her."

WITNESS: "I really don't know the size the ditches were. My husband told me that he had made Mr. Citizen make the ditches--" underscore added.

BENSON: "I object to what your husband told you."

Benson:"One other question, Mrs.Bearb,and then I will let you go. When did you first decide to move the road? When was it first decided that the road would be moved?"

A.Bearb:"The day of the drawing in 1981, and I have two of my brother--"

Q. "Wait a minute. I object to that".

BRANDT:"I object to her interrupting. She asks a question and interrupts her."

BENSON:"She's going to say what her brothers said."

COURT: "Question's been asked and answered"

WITNESS: "I said, with two of my brothers present -"

Filed by the State of La. in No. 88-4182:

"...She has filed not less than three other lawsuits in the Western District of Louisiana since 1984, has filed at least one appeal to this Honorable Court, resulting in an unpublished opinion (See table: Benson v. Ally, 828 F 2d 771 (CA 5, 1987)), and has sought to invoke the supervisory jurisdiction of the United States Court by petition for a writ of certiorari to the decision of this Honorable Court, filed Nov. 30, 1987, copies of which included in the supplemental record excerpts submitted on behalf of defendants-appellees."

(The decision of the Fifth Cir. of Aug. 27, 1987 found at A-43-9 was also given to the trial Judge prior to trial in the above mentioned case agasinst the State of La.)

AFFIDAVIT

I, Louella F. Benson, a resident of Fairfax County, Va., residing at 6432 Montrose, Alexandria, Va. with my husband Joseph L. Benson, being duly sworn deposes and states:

In Feb. of 1981, I volunteered for complete mental evaluations and a battery of psychological testings. The tests revealed that "on the intelligence test,Mrs. Benson functions at the Bright Average level. On the Comprehensive subtest (a test relating to concentration), she scores at a Superior level." Both the tests and full evaluations revealed that I am "not psychotic" - "No psychosis" and this was also revealed in the Rorshach test which the doctor said "gets at unconscious phenomena and defenses would appear". Although under stress at the time, the doctor said that my work on the performance test "scored within the Average range."

The psychiatrist said that depression was noted but that it was "situational depression", "not psychotic and not even neurotic depression" and no treatments were recommended. As to personality trait, the doctor found that she "is given to erudite and wordy explanations in her quest for doing things correctily", and stated he wished all professionals had this trait and that I have the potential to be a complex surgeon or an accountant.

On May 7, 1986, I mailed to the Clerk with a copy to the Judge and counsel, the attached letter so stating the above and stated "on my response and opposition to psychiatric examinations mailed May 6, I did not want to include the results of complete evaluations for several visits and results of psychological testings, (all of which I volunteered for in 1981) to the Court only, without having permission to do so. It occurred to me today that I can put

quotes on pertinent points since Dr.Jonas Robitscher, lawyer, psychiatrist, and professor at Emory University said that "this is the kind of objective evidence that courts accept uncritically".

The statement by Dr. Robitscher was taken from The Powers of Psychiatry published in 1980. The doctors who evaluated me are here in this area, both highly regarded with years of experience and one is an associate professor of Psychiatry. I didn't submit these reports to the Court only because I did not obtain the Court's permission to submit them to the Court only and do not want to do anything wrong, but the fact is, I can prove I do not have the mental problems (schizophrenia paranoid is a psychosis) with this objective scientific evidence since I have seen E.J.Faul or his family and the doctor stated that in view of the results of the tests I could not have had those problems in restrospect, and added that "the tests get under the mask".

The tests also revealed that "she is capable of relationships with people", "she finds it difficult to express anger towards others". "Mrs. Benson is extremely self-critical. She is inclined to blame herself first." - additional result of scientific testings in 1981, by Drs. who know and tested this Plaintiff. Plaintiff has other witnesses who have known her for a long time and who will verify what sort of person she is but was waiting for the trial and was not aware of the "summary judgment". There is a geographical problem in reaching people and getting such evidence to the Court by Monday but she will try.)

(Dr. Ally has ignored all required procedures; he admits he does not know plaintiff, he changed his story in 1986 in his affidavit, his affidavit reveals that he did not have anything from me; not even pleadings. The speech matter cannot be ignored!)

Plaintiff has totally been denied discovery

in CV86-0489, she has never met or seen Dr. Ally, was never consulted and has never agreed to bring him into the picture for any reason, and infact the Court has denied the defendants' motion for mental evaluation before they brought Dr.Ally into the picture as they denied their request after they brougt Ally and the "sworn statements" (including E.J.Faul's) in the other cases and fined and warned the defendants about harrassment, which order has been made available to this Court. (Summary judgment; mental evaluation would lead to more personal, economic abuses.) The fraudulent scheme and conspiring which she can prove from the other cases have been completely ignored although she expressly pleaded she was not placing her health in controversy.

Plaintiff had to pay $20,000 for the real estate counsel said is worth $15,000. which they are trying to obtain. Since they sued this plaintiff she has had to spend at

least $50,000. She had to pay more for the improvements ($2,000. for barn an expert said should be destroyed). She has at least $150,000 invested there which is being flooded since 1983 and devaluated. See engineering report by S.J. Langlinais. Access problems, obstruction, chemicals.

The objective scientific evidence memtioned are hard facts; (not untruths under oath or hypotheses) and the results were obtained by following all the required accepted clinical procedures by doctors who know this Plaintiff. Plaintiff objects to any summary judgment and/or dismissal with prejudice or dismissal, but prays that the Court will allow due process, reject any unconstitutional matters and allow trial on all issues pleaded which are in dispute.

SWORN AND SUBSCRIBED BEFORE ME, this 18th day of October 1986.

s/Louella F.Benson

S.P.(sp.)

Notary Public My commission expires 7/10/90.

AFFIDAVIT

I, Louella F. Benson, plaintiff pro se, and the sister of E.J.Faul, being duly sworn deposes and states:

I have represented to this Court that I have not seen E.J.Faul since 1975, at which time he informed me that what I said "did not matter anymore", that E.J.Faul told me over the phone in 1981 during the estate matters that if I came to Lafayette, he knew a doctor who would help him place me in an institution, that during the same year-he submitted his plan to take complete control of the Faul estate of our deceased parents (witnessed by his first x-wife Nellie) and that he would not let back in anyone other than those he chose, that he Bearb and Leslie Faul, Izena Kidder, later sued me in efforts to stop me from bidding on the improvements of my deceased parents. I pointed out that he lied under oath and provided evidence to prove that-as shown with my rebuttal and attachments of the 1985 "affidavit" attached.

Plaintiff represented to the Court in 1985 affidavit that E.J.Faul was treated at the Raleigh Hills addiction center in Lafayette and that she cannot be subjected to his mood swings each time he and his wife are estranged or when he is under stress. Since that time Plaintiff was informed that E.J.Faul and Nellie have divorced, that E.J. promptly married Ruth Hidalgo, and that shortly afterwards that E.J.Faul was jailed for making threats, that his daughter had testified against him, and that he is separated from this wife, all of which certainly generated a great deal of stress.

Dep. Bearb, defendant in CV84-2540, represented in 1985 that E.J. Faul was stating wild untruths re this plaintiff and wanted to have her committed to an institution. (After she purchased property.) (Dep.Bearb in 1984, trespassed on Plaintiff's property and falsely accused her of having committed forgery in Houston, that they were working on it and she would be nailed etc. and which

had been kept secret from this Plaintiff for many, many years until she had money to bid on and buy the improvements of her deceased parents, which Bearb's wife, Lois F.Bearb et al, are trying to obtain in CV84-2541 along with the land where most of the improvements are, all of which they agreed to sell in 1983, and did not bid on the improvements later when they had an opportunity. This plaintiff has informed the Court that not only she never committed forgery nor any crimes but she has been the victim of both fraud and forgery, represented herself pro se and won, including on appeal. (Although Lois F. Bearb said under oath on 2/5/86 that she is not trying to obtain plaintiff's property and Leslie Faul testified in 1985 that the properties are hers, statement of issues filed by their counsel on 2/21/86 shows that they are trying to obtain the properties. E.J. Faul has refused to answer any questions just as they

have in this case. These defendants have worked together, see "plans" by E.J.; "No Bids", threats by Leslie Faul etc.)

As shown in 1985 affidavit, Plaintiff told her brother E.J. Faul in 1981 over the phone that she had volunteered for complete evaluation and psychological testings which revealed that she does not have the mental problems. (On May 7, 1986, Plaintiff wrote the Court and copied the defendants' counsel and quoted from the results of the tests and evaluations which she volunteered for-to prove with objective scientific tests that she does not have the problems, and said that with permission of the Court, she would forward such results to the Court only, that her pleadings expressly stated that she was not placing her health in controversy, and that she does not want E.J.Faul in her medical life, and does not feel that he has a right to her medical life because Dr. Ally was paid

to make a long-distance label of this plaintiff by defendants who are trying to obtain her property, that he does not know the plaintiff and ignored all required clinical procedure before making such a label and on June 9, 1986, quoted from the Orders of the Magistrate and Judge in other cases who had turned them down three times, finally fined and warned them re the harrassment . Plaintiff did not hear from the Court on her offer other than to tell her not to communicate with the Court after she rebutted a letter counsel for the oppostion had sent the Court,and returned her correspondence while counsel is still copying Judge. Thus, she did not send the information without the Court's permission. Plaintiff did submit an affidavit by her husband, Joseph L. Benson, who she has been married to for over ten years, and who verified her representations re her tests results and mental evaluations and that the doctors who

completely evaluated her did not recommend any treatments and other matters stated in his affidavit attached.

Dep.Bearb said that this plaintiff had received some sort of "mental treatments". This would be a violation of civil and criminal codes without plaintiff's knowledge or consent-even if she had been a mental patient and it is all the more since she has objective evidence that she does not have such problems--and which E.J.Faul and others knew of before they hired Ally. E.J. Faul also, has refused to answer the first, second or third set of interrogatories concerning he, the Faul Energy Co, his actions, the "mental treatments" his "plans" or his mental state, they want summary judgment on the pleadings based on public policy considerations and/or summary judgment for default because Plaintiff did not go to the psychiatrist selected by E.J. Faul in Lafayette in view of his threats, her evidence

as above-mentioned, that she had expressly stated in her pleadings that she was not placing her health in controversy, and the malicious bad faith untruths by the defendants under oath and their motives and **fraudulent scheme** to take over her property as she proved to the Court by the issues contested in CV84-2541 on 2/21/86 attached.

The Court has threathened that unless this Plaintiff obeys his Order by Oct.20, 1986 that the case would be dismissed with prejudice. Obeying the order would mean seeing E.J.Faul's choice of doctor in Lafayette and stepping in the fire. Just as they paid a doctor to ignore all required procedures and make a long-distance label based on sworn statements which as explained in her pleadings were not sworn other than Melody Faul's (E.J.Faul's daughter) malicious false affidavit with untruths which were rejected by the Court in 1985. (See Plaintiff's husband affidavit attached

and Melody too, has refused to answer any interrogatories, and like the second and third set, and other interrogatories sent to E.J. Faul and other defendants, these did not fall within the motion to compel answers which the Court denied, and certified letters were sent to counsel and a call was made to his secretary to remind him to have the defendants answer interrogatories. E.J.Faul refuses to answer re past and/or on-going treatments and plans re this Plaintiff and under what authority. Nor did he answer re Faul Energy Co. nor his plans and state of mind, nor re his 1975 statement re this plaintiff, nor re "bookcase".

Dr. Jonas Robitscher stated in the Powers of Psychiatry that almost anything can be done to mental patients in the name of treatments. See the Plaintiff's pleadings for statements by professionals etc. (The defendants also refuse to answer if

the false forgery was placed on her name in efforts to have her "treated"! Izena Kidder did not want this Plaintiff at the home of her parents years ago after she had a child out of wedlock, as did some of the others but that was not true of all of her family. While E.J. Paul refuses to answer interrogatories he sent interrogatories to Plaintiff wanting to know the names and addresses of her children when he knows quite well she has but one child who was born out of wedlock over twenty yrs. ago. Plaintiff has answered the relevant questions inspite of the fact that she was denied discovery from the defendants. The evidence shows that when she talks to counsel over the phone she is exploited and misrepresentations are made to try to make her fit the label, all of which is in the record.)

Due to the above mentioned, Plaintiff states that to dismiss this case with prejudice without a trial would again subject her to inhuman and illegal abuses without

recourse all of which are unwarranted. There is a record of secret abuses and denial of rights in the past with efforts to use those abuses after Plaintiff had money to buy property which defendants are trying to obtain. The defendants know that this Plaintiff has a heart condition which has nothing to do with the mind and she should not be subjected to such harrassment because she had money to buy property. They insisted that Plaintiff's husband, a Jew, sign off his community rights; hired Ally for long distance label and lied.

This Plaintiff respectfully objects to summary judgment with or without prejudice for anyone, she objects to the defendants not being compelled to answer interrogatories and she objects to the denial of her request for change of venue, she objects to their request that Plaintiff be made to pay any costs, attorneys' fees or fines and takes her exception to all of

these matters as well as having been denied discovery and other matters mentioned in support of motions. (Plaintiff refers to undue discrimination in the Western District as compared to the way Dep.Forest Bearb was protected from a mental evaluation in CV84-2540 although his pleadings on counterclaim would certainly have warranted evaluations, he told a witness he would "slap her", and her motion to evaluate him was pending for about six months as was her affidavit and never heard, and that her motion to evaluate Leslie Faul in CV84-2541 was denied inspite of the fact that he threathened her with a posthole digger in front of witness, when Plaintiff was trying to do work on her property. There is evidence of on-going abuses.) Plaintiff has been sick since exposure of June 2 on her property. She was told that permission to use chemicals on her property was obtained from other heirs!

Plaintiff respectfully requests that E.J. Faul be made to undergo mental evaluations

and testings for the above mentinned reasons and because he lied under oath coupled with his "plans" and malicious motives, his problems and threats re this plaintiff. Plaintiff has shown that there is probable cause that if she was evaluated by the Lafayette doctor that harm would probably come from it in view of defendants having ignored the rules earlier by paying a doctor to have her labeled unseen with false statements, ignoring procedures required and now E.J. wants to pay a doctor to confirm their long-distance label which he knew was false. The Plaintiff has not been around these people in years. Why the sudden "affidavits" only after she had money to buy property which they are still trying to obtain. In Plaintiff's opinion, E.J.Faul's own situation does not warrant any interventions in this Plaintiff's and her husband's life but that he should show evidence of his own state of mind.

This plaintiff is not a violent person

nor did the testings indicate any such thing. Izena and Melvin Kidder's untruths underoath are unconstitutional and were denied to Plaintiff years ago. M.Kidder could not have seen that and he and others swore to untruths they did not even see. See rebuttals.

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX, TO WIT:

Sworn and subscribed before me this 18th day of Oct., 1986.

s/Louella F.Benson

S.P.(sp.)
NOTARY PUBLIC

My commission expires July 10, 1990.

(Note - Petitioner's other rebuttal affidavits of E.J.Faul and other defendants have been entered with the lower courts.--No affidavits (furnished to petitioner) were filed in support of mental evaluation in this case.)

Louella F. Benson v. Glenn A. Ally,et al
86-0489
Pg. 6 of docket sheet

"6-15-88 No. 164:"

"LETTER from Pltf. w/check in the amt. of $100.00 for transcript to be made of oral arguments set for 6-17-88 & advising that she may not be able to attend hearing in view of her husband's surgery; check sent to Richard Williams by Troy. Troy advised Richard Williams to be present for oral arguments."(sjd)" */

Note: Petitioner's request for copy of recent final page of docket sheet with copy of proposed Court order defendants filed has not been responded to.

*/ The underscored part had been inadvertently left off from the above quote from the Court's docket sheet in the original filing.

Quotes for Order Of U.S.Magistriate Mildred Methvin's Order of Nov. 14, 1988:

"Applying these factors to plaintiff's complaint, I find that plaintiff's factual allegations are essentially accurate: Dr. Ally did, infact, prepare a psychological evaluation based upon affidavits and without personally examining plaintiff. He then submitted the report to defendants' attorney and the report ultimately became a public record after submission to the court. I find no Rule 11 violation on this basis." The Magistrate said: "It is reasonable that the legal difference between a hypothetical conclusion and one asserted in fact might be difficult to distinguish for one who lacked legal training. I find, therefore, that no sanctions under Rule 11 are warranted on this basis." The Magistrate adds:

"Benson stated in her opposition to Faul Energy's motion for summary judgment that at the time she filed her compalint, she had

reason to believe that E.J.Faul had incorporated and that he was the only Faul geologist in Lafayette (Tr.337). Faul Energy failed to respond to Benson's interrogatories seeking information as to whether it had any economic interest in the underlying disputes of the 1984 litigation, or economic ties with defendants' counsel and Dr.Ally. Faul Energy's motion was granted and it was dismissed from this suit. However, following remand from the Fifth Circuit, plaintiff sought to reinstate Faul Energy on the basis of E.J. Faul's deposition testimony during the prior case proceedings in which he admitted owning Faul Energy in 1984. Plaintiff's motion to reinstate Faul Energy was denied in an order issued as mandate from the Fifth Circuit Court of Appeals on June 14, 1988. Applying the standards set forth in Thomas, supra, I find that Rule 11 sanctions based on plaintiff's naming Faul Energy as defendant are not warranted.

Plaintiff's belief that E.J.Faul's actions could be attributed to Faul Energy was reasonable in light of the information that she had at the time of filing the complaint. She immediately propounded interrogatories to determine Faul Energy's involvement in the previous suit. The interrogatories were not answered..." The Magistrate said:

"Applying the standards of Thomas to the facts of this case, I find that Rule 11 sanctions are not proper on the basis of plaintiff's conduct during discovery."

"...In the present case, however, defendants specifically claim $400.00 in expenses incurred as a direct result of Benson's failure to attend scheduled appointments. Dr. William P. Cloyd billed defendants this amount in cancellation charges...Benson could easily have eliminated this expense with a telephone call. I find that defendants are entitled to an award of $400.00 under Rule 11...It shall be made payable to Charles Brandt."

Washington Post of July 4, 1988:

"Psychologists' Shower of Babble", by Jonathan Yardley:

"The report cannot be dismissed by the community ; both of its authors are psychologists, one a director of a hospital in Rhode Island and the other an attorney specially in expert witnessses. They studied, 1,400 cases in which the judgments of psychiatrists and psychologists were employed by the courts, and concluded that

> "clinicians are wrong at least twice as often as they are correct....It's a transparently cynical business, one that does a good deal more for the wallets of the psychologists than for defendants and plaintiffs or for the orderly equitable operation of the law."

Washington Post of Jan. 1, 1988 -Philip J. Hilts

"Researchers Fault Psychiatric Testimony, Say Courts should Consider Ban"

"the scientific evidence clearly suggests that clinicians fail to offer any help to courts in making judgments. Clinicians frequently cannot agree on psychiatric diagnoses of current states, much less provide

trustworthy answers to...more difficult forensic question." "Studies on the prediction of violence are consistent:

> "clinicians are wrong at least twice as often as they are correct"

according to the authors of the article, David Faust, director of psychology at the Rhode Island Hospital in Providence, and Jay Ziskin, a lawyer, psychologist and authority on the issue of expert witnesses.

"Others who have studied the performance of expert witnesses agreed yesterday that the error rate for psychologists and psychiatrists is high and that there is now agreement that experts should not give outright opinions in court on the questions of whether someone is likely to be violent or insane and should be committed." Gary B. Melton, a member of the executive committee of the Law and Psychiatry Society of the American Psychological Association agreed. Dr. Melton said:

> "only when they have a scientific basis for opinions, should the opinions of psychologist,psychiatrist be allowed."

"Medicine on Trial" by Charles B.Inlander, Pres. of People's Medical Society, Dr. Lowell S. Levin, Yale Professor of Medicine, and Ed Weiner, PMS Editior-1988

"One out of every six drug addicts is a physician"

Study 215 patients by Dr.Robert S. Hoffman at St.Mary's Hospital and Dept. of Psychiatry at Univ.of California:

"If the misdiagnosis rate in our series accurately reflects the situation in other communities, many such patients are wrongly being labeled as demented and treated accordingly. The consequences in terms of the cost of medical care and institutionalization, to say nothing of the human suffering involved, are immense...."

Dr. William Carpenter, director of the Maryland Psychiatric Research Center:

"If you make the mistaken assumption of chronic schizophrenia, the patient may never recoup his losses."

Manhattan Psychiatric Center 131 patients randomly selected:

"Approximately 75 percent of the patients

reevaluated may have been wrongly diagnosed when admitted to the center".

"Frequent misdiagnosis of schizophrenia caused severe harm to many patients who were inappropriately given powerful drugs, such as neuroleptics, that mask symptoms and may cause irreversible side effects."

Univ. of Ottawa, Ottawa General Hospital:

"43 percent of psychiatric patients had one or several undiagnosed physical illnesses...it all comes down to this: Doctors are making big and plentiful mistakes in dianosing both physical and mental ills--or nonills--and people are being hurt because of it."

From Washington Post: 1988

Stephen Breuning, nationallly known drug therapy researcher was ordered to spend 60 days in a halfway house for falsifying studies once highly valued in shaping treatment policy for mentally retarded children;

Dr. Shervert Fraizier of Harvard who served as director of NIH earlier, resigned from Harvard for plagiarism;

Scheffer C.G. Tseng, Harvard Researcher tested an experimental eye drug on hundreds of patients between 1984 and 1986 while organizing and profiting from a company that made the drug, which has not proved particularly successful.

On 12/7/88, W/P referred to 26 cases of alledged wrongdoings in science since 1980.

Phil Donahue Show Nov. 1988

Dr.Barten, Harvard doctor, misdiagnosed as a schizophrenic:

"Don't write us off"

SUPREME COURT OF THE UNITED STATES

No.

A-321

Louella F. Benson,

Petitioner

v.

E. J. FAUL, et al

ORDER

UPON CONSIDERATION of the application of the petitioner,

IT IS ORDERED that the time for filing a petition for a writ of certiorari in the above-entitled case, be and the same is hereby, extended to and including December 8, 1988.

s/Byron R. White
ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE U. S.